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The Shape of Things

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THERE HAS BEEN NO GREATER TENSION IN American constitutional history since the Dred Scott case than exists now between the President and the Supreme Court. Mr. Roosevelt's references to the age of the judges have doubtless hurt them grievously. But since they showed scant respect (within the Constitution) for the feelings of millions of workers and farmers whom their decisions injured, they should not be shocked if the people's representatives in turn show scant respect (within the Constitution) for their feelings. Mr. Roosevelt will have a hard fight, but he should win out. *The Nation* prints in an editorial on another page of this issue its analysis of the problem.

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THE LOSS OF MALAGA BY THE LOYALISTS IS, of course, serious; but it is no more decisive than were the earlier losses of Irun, San Sebastian and Toledo. The rebels captured Toledo on September 28, but it took them until November 6 to negotiate the forty-four miles of flat country between that strategic city and Madrid, where they have been stuck ever since. It does not follow, therefore, that Alicante, Valencia, and Barcelona are in any more immediate danger of attack than they have been hitherto. The government military position is always more favorable than it appears on the map, and the final outcome of the civil war will be determined by the numerical strength and armaments of the opposing forces in months to come rather than by the line of demarcation between loyalist and insurgent territory today. The presence of at least 15,000—and probably more—Italian troops at Malaga is therefore the most menacing aspect of the situation, for it proves that, despite the Anglo-Italian "gentlemen's agreement" and perhaps because of the many-act farce called "non-intervention," Italy and Germany continue to pour into Spain all the soldiers and munitions they wish to send. Partly to offset these, the government can obtain valuable reinforcements in the shape of volunteers for the international brigades. It will also speed up the process, now well on its way, of organizing a disciplined Spanish army. The surrender of Toledo was the shock which accounts for the startlingly stubborn defense of Madrid, and the loss of Malaga may also have a salutary effect on the republic's military and internal political affairs.

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THE INTRODUCTION OF A "CASH-AND-CARRY" neutrality bill by Senators Nye, Clark, Bone, and Vandenberg has clarified the basic issues in the neutrality controversy. In the belief that any trade with belligerents must ultimately involve the country in the same situation that it faced in 1917, the Nye bill would divest American citizens of all right and title to goods of any character shipped to belligerents in war time. The Pittman bill, on the other hand—which has the backing of the Administration—would permit trade in basic raw materials at the discretion of the President. Both measures would prohibit the export of munitions and implements of war and would impose an embargo on loans and credits, and both would ban travel by American citizens on ships of belligerent nations. The Nye bill assumes that peace is divisible; that the United States can be insulated from the fundamental economic and political forces which affect the remainder of the world. It also assumes that the profit-making propensities of important elements in the American population can suddenly be throttled on the outbreak of war. As it stands it would make war more certain by serving notice in advance that we shall deny even normal supplies to the democratic countries in their coming struggle with the fascist powers. There is no assurance that the Pittman measure can keep us out of war, but its flexibility may at least prevent us from digging the grave of American democracy at this time.

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IN FAR-OFF SHENSI THE DRAMATIC EVENTS described elsewhere in this issue by Agnes Smedley seem rapidly to be approaching a climax. Angered by efforts on the part of the fascist clique to take advantage of the compromise settlement dictated by Chiang Kai-shek, the rank and file of the former Manchurian army recently mutinied and killed four officers who were accused of having sold out to the fascists. Large sections of Chang Hsueh-liang's former troops are reported to have joined the ranks of the Red Army, and others are likely to go over if the government does not make good its promises to resist Japan. There is every indication that Chiang Kai-shek himself has attempted to live up to the pledges that he gave on the occasion of his release from Sian, but that he is being sabotaged at every opportunity by the semi-fascist, pro-Japanese clique led by Ho Ying-chin, the War Minister. Letters from China tell of a veritable wave of terror in the cities under the control of this faction against the advocates of a People's Front. With the meeting of the plenary session of the Kuomintang scheduled for the middle of the month at Nanking, a showdown may be expected, though it is not at all certain that that hand-picked body will reflect the tremendous increase of sentiment throughout China for a common front against Japan.

✶

FORTY THOUSAND MEN HAVE GONE BACK to work in the ports of the Pacific after a ninety-eight-day strike which was a masterpiece of orderliness and solidarity. The unions, which did not want the strike, came through without losing any of their gains of 1934—and in fact made further gains. The employers had let it be known that their purpose was to take back what they had been forced to yield in 1934, particularly union control of hiring halls. Their stand hurt the pocket-books but not the prestige of the unions, and they lost, according to one estimate, $700,000,000 worth of business. It is common knowledge that the San Francisco waterfront is a much more orderly place since the unions obtained a measure of control over hiring, which has always opened the way for serious abuses. When it is considered that the strikers made such modest demands as the eight-hour day, cash for overtime, and monthly wages ranging from less than $60 to $125 a month (for engineers), the cry of the employers about "union dictators" loses a good deal of its force. This strike may have convinced them that the union has come to stay—in which case we may expect a long peace. Meanwhile the conduct of the maritime strike by a democratic rank-and-file organization provides welcome evidence that trade unions can be successfully conducted on that basis.

✶

RECENT HEAVY PURCHASES OF GRAIN BY Germany have been interpreted by the New York *Times* as indicating that the Reich has virtually overcome its food problem. As a basis for this it is suggested that the volume of foreign securities taken over by the Reichsbank from private sources, in accordance with a recent decree, has been unexpectedly large. Such an interpretation, however, appears to ignore both the facts of the foreign-exchange situation and the fundamentals of Nazi policy. If we accept the figures contained in Mr. Vidakovic's article in last week's *Nation,* the 170,000,000 marks which the Reichsbank is said to have sequestered abroad would be only a drop in the bucket in meeting the exchange crisis. And even if much more were obtained, the normal Nazi policy would be to spend it on the raw materials which are essential to its rearmament program. The grain purchases would seem to be not so much an indication of more plentiful foreign exchange as a reflection of growing anxiety over the domestic crisis.

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THE SUPREME COURT HAS DENIED A WRIT OF certiorari to Vincent Ferrero and thus apparently ended his two-and-a-half-year fight to escape deportation to Fascist Italy. Ferrero entered the United States legally thirty-one years ago and has lived during this entire period in San Francisco. He has never been convicted of crime but is known to have leased a room to the editor of an anarchist paper. For this he is charged with being a "member of an organization which advocates the overthrow of the government by force and violence." Not satisfied with having condemned dozens of political refugees of this type to death in fascist countries in recent years, the anti-alien forces in Congress, under the leadership of Senator Reynolds, have launched a drive to deport all aliens on relief and to prohibit the employment of non-citizens by the government. A bill has also been

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introduced which would require the registration and fingerprinting of all unnaturalized foreign-born and cut the present low immigration quotas by 90 per cent. In defense of these un-American proposals it is argued that aliens take jobs away from American citizens and that their deportation will solve the problem of unemployment. It apparently matters not to Senator Reynolds that two-fifths of the 4,000,000 aliens in the country are more than fifty years of age and have given the greater part of their lives to constructive and relatively unremunerative work in the United States. Nor are men of this type likely to be moved by the fact that the majority of such aliens would be citizens today if the high fees and the educational requirements did not bar many men of limited economic opportunities.

*

A POLL OF NATIONAL SENTIMENT ON THE General Motors sitdown taken by the Institute of Public Opinion showed 53 per cent in favor of the company. Our own poll taken in the nerve-center of public opinion, a pullman smoking car between Washington and New York, is, we believe, closer to reality. Of eight men, three had no opinion, three were for the strikers, one was judicially on the fence, and only one was for the company. "Lemme tell you, a whiff of tear gas would fix 'em," said a white-haired, pink-cheeked Elk in a camel's hair coat. "What I say is," said a gentleman of heavy jowls, "we gotta know what they want. They oughta tell the public what both sides is demanding and then we'll make up our minds." A younger man in a black hat, gently drunk but quite determined, announced that he knew enough already to take sides. "Absolutely with the strikers," he said. "Ab-so-lutely." Lined up on his side was a lawyer with a brief case, who added that it wasn't Sloan's fault, because he had to do what the du Ponts told him to. "Sure," said jowls. "Sloan's all right. I unnerstand he's definitely pro-labor, only he can't let on on account of the du Ponts." "Gentlemen," said the drunk one in a solemn tone that silenced the others, "compared to Sloan, Machiavelli was a punk."

*

IN BRINGING ABOUT THE RETURN OF TOSCANINI to conduct a series of concerts over the radio with the N. B. C. symphony orchestra, David Sarnoff has made a coup for the Radio Corporation, which has long been locked in rivalry with C. B. S. over the presentation of musical programs of high standard. The engagement will cause misgivings in other quarters. It is not entirely a secret that Toscanini's resignation as conductor of the Philharmonic Symphony Orchestra was the result of dissatisfaction on both sides. In spite of his musical, not to mention his box-office, preeminence the Maestro made demands as to salary, rehearsals, and programs that seemed excessive to the Philharmonic Board of Directors. N. B. C.'s offer gives Toscanini not only the free hand and lighter schedule he should have but also an opportunity for sweet revenge; the Philharmonic is certain to feel the competition of his programs.

Law and the Sitdown

THE reporter who asked Governor Murphy how it felt to be between an irresistible force and an immovable object was a realist. Our nominee for the immovable object is the du Pont-General Motors combination. Reliable information has it that Lewis started by asking recognition in all sixty-nine General Motors plants, then reduced his demands to twenty, and is willing to make further concessions. But as we go to press General Motors remains adamant and refuses to discuss the paramount issue of union recognition. One does not have to be clever to see through the hypocrisy of their concern for "the rights of workers who do not wish to belong to the Lewis union." Their real concern is to break industrial unionism before it has a chance to build a force that can challenge the force of corporate capitalism. It is the du Ponts, linking the motor magnates with the steelmasters, who are the real sitdowners in the strike.

If the struggle begins again, as is likely, they are counting of course on their massive economic strength and staying power. But they are counting even more on middle-class property-conscious public opinion. And they believe they hold the key to that by being seemingly on the side of law and order. Their company guards, deputy sheriffs, armed thugs, "Citizens' Alliance"—none of these would they dare use openly if it were not for their claim to be on the side of law and order.

"The strikers are occupying our property," say the Sloan lawyers. "True," says Judge Gadola. And he goes through the mumbo-jumbo of equity procedure, and issues an injunction and a writ of attachment. "But they won't budge," says Sheriff Thomas Wolcott, "and I need help." So he appeals to Governor Murphy to use the militia. "If I send these men against the strikers there will be a massacre," says Murphy. So the men remain sitting, and Murphy finds himself snowed under with threatening letters and demands for his impeachment. And the tragedy is that even some progressives have been ensnared by the cliché of property rights and thrown into consternation by Judge Gadola's injunction.

Actually the labor injunction must be viewed not as an abstract embodiment of even-handed justice but as a weapon in the struggle that American industry has been waging to keep labor from organizing—a weapon no different in essentials from tear gas or labor spies. To do otherwise is to uproot law from its social context, and you can no more do that than you can uproot a tree without its withering away. There is no valid legal basis in precedent for the labor injunction. In England, where it is relatively little used, it is regarded as an American growth. In America it began quite accidentally: after the panic of 1873 the railway properties were in the hands of court receiverships; the railroad strikes were therefore regarded as interferences with the courts, which proceeded to issue injunctions against them. Industry immediately saw the value of this device, and in the 1880's injunctions began to be issued quite distinct from receiverships, until in 1895 the Pullman strike was smashed

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by injunction. And the employers have continued ever since trying to smash by injunction every attempt to achieve collective bargaining through organization. The Norris-LaGuardia Act severely limits its use so far as the federal courts are concerned. That is why General Motors sought out a state judge. The more advanced states like Wisconsin and New York have passed their own anti-injunction laws, but Michigan is still in the Dark Ages in this respect.

If it is a question of property rights, the worker has a perfectly good property right in keeping his job under decent conditions of work. Nor can General Motors lay claim to a monopoly on law and order. One of the significant things about the sitdown is that, by making mass picketing unnecessary, it tends to eliminate violence from strikes. Or rather it puts the burden of violence on the employers. Governor Murphy has a triple function. He must execute the laws of the state; but he is also a conciliator in the strike; and upon him devolves the primary responsibility for avoiding bloodshed in Flint. The eviction of the strikers by force could not be accomplished without bloodshed. We must come to understand that the real guardians of law and order are those who wish to provide an orderly settlement of labor disputes through collective bargaining. The enemies of law and order are those who are willing to spill other people's blood in order to keep unionism from getting a foothold.

Spain Is the Key

EUROPE'S political commentators seem finally convinced that Germany is the greatest, if not the sole, danger to world peace. On January 19 Anthony Eden, speaking in the House of Commons, singled out Germany as the potential trouble-maker and appealed to it to make a contribution toward European peace. Even unsupported words might have persuaded those British elements which would be happily pro-German if Berlin gave them the slightest opportunity. But Hitler's vague and rambling address to the Reichstag simply confirmed the belief that Germany is resolved on self-imposed isolation and militant intransigence. If the nations of the world now realize that this is the predominant Nazi mood, some progress has been made. For then the source of danger is definitely labeled.

That, however, is not enough. The governments of Europe feel that they must take measures to prevent Germany from throwing the torch of war into an inflammable continent. These measures assume the form of vastly augmented armaments. England, France, and Russia, as well as the smaller countries which dread fascist aggression, are arming at a rate which makes even the rocket-like rearmament pace of 1935-36 seem like the movement of snails. Given Hitler's monomania, the haste of these governments is understandable. Yet clear political seeing and thinking might check fascist aggressive tendencies without imposing such back-breaking armament budgets upon the peoples. The key is Spain.

Spain is today the front line of the battle against German and Italian aggression. The Nazis and the Italians have been helping Franco with airplanes and other arms. They have made the rebel cause theirs. Franco has become the agent of Hitler even more than he is the tool of Mussolini. A victory for Franco would therefore be a triumph for Hitler, and would not only strengthen his hold on the German people but confirm in him the thought that in the future as in the past insolence, arrogance, and audacity are sufficient to overcome European democracies. Franco's success would encourage the Nazis to go and do likewise in Czecho-Slovakia, Danzig, the Polish Corridor, or anywhere else.

Defeated in Spain, Hitler would be sobered and checked. He would also be weakened by the expenditure on Franco of several hundred million dollars—this by a regime which complains that it lacks the money to buy raw materials for its plants and food for its undernourished population. The crushing of Franco would undermine Hitler's prestige, cripple his diplomacy, and give him trouble at home with a part of the civilian population and with his army chiefs. If the fascists are beaten in Spain, they are weakened everywhere.

The Caballero government can beat Hitler in Spain. At last, after numerous serious setbacks in Germany, Austria, and elsewhere, the anti-fascists have an excellent chance to win. Why, then, do not the Western democracies help the Spanish democrats to a victory? Valencia and Madrid cannot do it alone, for they must cope with foreign fascists as well as with their own rebels. The answer consists of an excuse and a partial explanation. England claims that it will not be ready to act until it is rearmed, and that will not be for eighteen months. Without England, France is disinclined to act. The supineness of the democracies can also be understood in the light of their fear or alleged fear that Madrid may be another Moscow if the government triumphs.

But Moscow's support of the loyalist cause does not imply a Communist Spain. Communism is not coming in Spain yet; the alignment of social forces would not permit it without another and perhaps even costlier civil war. The struggle today is between Spanish reactionaries supported by foreign fascists on the one hand and all the forces of democracy and revolution on the other. Moreover, Moscow is not anti-British or anti-French. The contrary is the case. A fascist Spain would be a graver menace to British and French national interests than even the Soviet Spain which they pretend to dread. Class bias in England and France, however, obstructs clear vision, and French and English policy in the Spanish conflict has therefore been of a halting, wavering character which plays into Franco's and Hitler's hands.

It remains, accordingly, for the world's anti-fascists and democrats, bound together not in governments but in trade unions, political parties, and liberal societies, to grant the Spanish republic just that measure of voluntary aid which, together with its own resources and Russia's help, will be sufficient to swamp Franco and drive his masters to cover. The supreme test of an anti-fascist today is not what he says but what he does for Spain.

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Purging the Supreme Court

THERE can be little doubt that Mr. Roosevelt's attack on government by senility has been a brilliant tour de force. The right is dismayed by it. The left is confused. The country as a whole is puzzled and entertained. No wonder the President felt a bit prankish when he read the message at his press conference. But the question of the adequacy of the proposal remains. Our answer will probably remind the reader of the Scottish jury that came back with the verdict, "Not guilty, but don't do it again." We by no means feel that the President has chosen the best plan—but along with a better plan it deserves support. The proposal is in the form of a reorganization of the federal judiciary. It finds the cause of the delays in justice in the failure of judges to retire at seventy. It proposes that for each judge who refuses thus to retire an additional judge shall be appointed to his court, provided that the size of the Supreme Court shall not exceed fifteen. There is every indication that the President is giving the Supreme Court judges a dose of their own medicine—legalism. He adopts the Supreme Court's method of disguising important changes in state policy behind a screen of innocent-seeming legality. It is unjust to accuse the President of duplicity. He is doing exactly what Justice Roberts did when he talked elaborately of states' rights and killed the processing taxes. Two can play at that game, and in the realm of high strategy the Supreme Court has met its master.

THE NATION'S CANDIDATES

1. *Professor Felix Frankfurter—Harvard Law School.*
2. *Dean Lloyd Garrison—Wisconsin Law School.*
3. *Chairman J. Warren Madden—National Labor Relations Board.*
4. *Professor Walton H. Hamilton—Yale Law School and Social Security Board.*
5. *Robert H. Jackson—Assistant Attorney General.*
6. *Herman Oliphant—General Counsel U. S. Treasury.*

But it is not all play. What the President is proposing is to dynamite the reactionary judges into retirement. To effect this he uses the most convenient handle—old age. But it is a handle to a very real grievance, in the lower federal courts as well as in the Supreme Court. There are four sitting members of the Third Circuit Court of Appeals. Their average age is seventy-seven and one-half years. It is Judge Buffington of this court, over eighty-one, who has been holding up the Pennsylvania Greyhound case, involving the Wagner Labor Act, since 1935. With respect to the Supreme Court, the Roosevelt luck, it must be remembered, has not operated. No appointments have fallen to him. He has had to sit by helplessly and watch the years accumulate and men decay. He now presents the tory judges with the bitterest hemlock cup any tory has had to quaff. Six of the present court are over seventy, only one of them—Brandeis—definitely a liberal. If they genuinely wish to keep the court from being "packed," they can hold the number down to nine by retiring. Whichever ones do not choose to retire must bear the responsibility of permanently increasing the court's number by that many.

One thing is clear. Mr. Roosevelt has been at least consistent. He has since the NRA decision steadily held that the Constitution needs no change if it is interpreted liberally. He has deftly sidestepped the three plans that have been most vigorously pushed—giving Congress the power to override the Supreme Court's veto, limiting the Supreme Court veto to at least a two-thirds' vote, giving Congress explicit power (by amendment) to regulate industry and agriculture. He has evidently considered that these measures would be at once too radical, since they would directly curb the judicial power or reestablish the supremacy of Congress, and also too dilatory, since each one might—by raising questions of constitutionality—have to be enacted finally as an amendment. His present plan does not touch the judicial power, and does not change the relation of the court to Congress. There can be no question of its constitutionality. It neither seeks to curb the court nor (despite the current impression) pack it, for if the judges retire there is no increase in numbers. Rather it purges the court by removing the infirm, and therefore (by a rough and imperfect logic) the least fit.

Where the President got the plan and why he should have sprung it just now are not entirely clear. Paul Ward points out in the Baltimore *Sun* that a similar technique was proposed in an 1869 bill in Grant's Administration, but failed of passage. The theory that he may have wished to influence favorably the Wagner Act cases seems untenable; if anything the proposal is calculated to freeze the judges into sheer immobility through rage. There may be some relation to the automobile strike and the power jam, as warnings to the business community that the President has trump cards which he is willing to play. But our own guess—and it is only a guess—is that Mr. Roosevelt wished to seize the occasion when public sentiment was ripe for action of some sort but before the movements for more radical curbs on the court had grown too strong to be stopped.

There are basic objections to the President's plan. It clearly does not meet the issue of the judicial power as an obstruction to democratic action. It does not go to the root of our judicial oligarchy, but by reorganizing it seeks rather to perpetuate it. There is a danger that, especially after the number of fifteen has been reached,

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a justice will wait until he has a favorable President before resigning, thus creating a semi-hereditary caste. It can be used as effectively by a reactionary President as by a liberal, and ultimately it may produce simply a benchful of younger reactionaries—just as blind and stubborn in their fifties as in their seventies. Moreover, even a liberal President finds that there's many a slip between the nomination of a judge and his decisions: be it eternally remembered that McReynolds was appointed by Wilson. And certainly Mr. Roosevelt, judging from the names most mooted now, cannot be depended upon to choose more wisely than his predecessors.

Nevertheless, it is the task of progressives to support the measure—with an open-eyed awareness of its shortcomings. It will clear the blockage of New Deal legislation—at least for the immediate future. Meanwhile it will have delivered a blow to the sanctity of the Supreme Court from which the court will never wholly recover. If the court can be defeated once, it can be defeated again—and that is a lesson from which the people will profit. While logically the plan is leaky, psychologically it is sound. For talk as we may about educating the common man on the judicial power, the thing that sticks in his mind is that the men who exercise it are old men and therefore probably behind the times.

But for progressives to support this measure does not mean that they should stop there. *Purging the Supreme Court does not preclude curbing it.* A movement for a constitutional amendment must be launched now, so that when the rejuvenated court again grows ossified, we shall not have to fight the same battle all over again. But to refuse support to Mr. Roosevelt's measure and to hold out for "an amendment or nothing" is now—whatever it may have been before—playing into the hands of the reactionaries. They will inveigh against "packing" the court, grow hysterical about the supposed blow to the independence of the judiciary, and insist that the only method of change is through an amendment. Do not be trapped by them. The only thing they value in an amendment is the delay it would involve and their hope finally of being able to beat it. And without Roosevelt's support for an amendment, that hope would be a reality. With his support it is possible to push on the campaign for constitutional reform, viewing the present proposal merely as the opening gun in a battle that will be protracted and fiercely disputed. In such a battle what the progressives have chiefly to overcome is the myth of Supreme Court divinity. When they have conquered that, they can move on to achieve democracy.

Our program is, then, for progressives to support Roosevelt's proposal if he will support them in simultaneously launching an amendment. In that spirit we present, in the box on the previous page, our candidates for the six new posts. We have omitted members of the present Congress, since they would be barred until the end of their term from occupying posts they had themselves created. This has made it necessary to exclude several excellent choices. We submit the list with the earnest reminder that what value there is in the plan will be completely sacrificed unless genuine liberals are chosen.

Thanks, General Franco

OUR sincere gratitude goes out to General Franco. All anti-fascists are indebted to him for his self-revealing replies to the questions put to him by Roy W. Howard of the Scripps-Howard press.

"The new Spain" which Franco thinks he will establish after his expected victory "will progress along the lines of a totalitarian state." Moreover, as Franco understands Spain's "vigorous national characteristics," the Spanish people want no voice in their form of government. "Nor should the immediate concern of the citizens of Spain," he telegraphs, "be the choice of the particular regime that is to govern them." He declares that "our soldiers fight for liberty of conscience and respect of religious beliefs and for national traditions" in "Catholic Spain." "Our soldiers" are the Moslem Moors and the troops from Nazi Germany who respect neither liberty of conscience nor the Catholic church nor any other church. Franco, nevertheless, will not separate church from state. The dark tradition of illiteracy and bigotry must remain unbroken.

The Generalissimo, however, has decided views about certain aspects of the future. "The family and the workshop will be the basis for a new Spanish society." This is very exciting, very different, and very new. "Franco's Spain will banish class hatred"—just as in Germany. These are not vague promises. Things are already being done in the midst of a war that is taxing all of Franco's energies. "We are improving the housing conditions of the lower classes," he says. The General probably makes this claim with justice. He has killed off so many members of the lower classes who protested against his regime that those who remain undoubtedly have access to more living space. Franco does not have to tell us what he would do if he won. The Francos have been ruling Spain for centuries, and the result is a miserably poor, unprogressive economy, millions of peasants living in a permanent state of undernourishment.

Nevertheless, Franco is not so confident of victory as he once was. To be sure, he enjoys the "moral support lent to us by Germany and Italy." But these airplanes, submarines, cannons, machine-guns, and rifles are not sufficient to enable him to win, and he has been stuck at Madrid ever since the first week of November. "When do you expect the capture of Madrid?" Mr. Howard asked him. Franco did not answer. Franco has not been so reticent in the past. He prophesied that he would take the city on October 12 to commemorate the "Day of the Race," the day Columbus discovered America in Spanish ships. Then he publicly prophesied that he would enter the city on November 7, just to celebrate the Bolshevik revolution. Later he broadcast to the world that his Islamic soldiers would occupy Catholic Madrid on Christmas Day. The Spanish military love to announce long in advance what their armies are going to do. Suddenly now Franco is silent. We wonder whether he realizes at last that the stirring defense of Madrid by the loyalist forces and the harried civilians of the city is slowly but perceptibly destroying his military strength.

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Flint Faces Civil War

BY CHARLES R. WALKER

Flint, February 8

JUDGE GADOLA has issued his ouster injunction and the tension which may break into civil war has reached a new high. Only cool heads in the union, plus superior numbers, plus telephoned warnings from Governor Murphy to the forces of "law and order," prevent the expected massacre.

"We'll stay in till they carry us out on stretchers," is the message sent out by the sitdowners in Fisher 2. "We'd rather die than give up." But will the 400 special police, deputized from Flint Alliance members, actually try to carry out the injunction at the zero hour of three o'clock? Will the 4,200 tin hats of the National Guard, equipped with howitzers, machine-guns, rifles, bayonets, and tear gas, be ordered to *enforce* the court order? The union does not know. But they mobilize hastily to resist. A picket line of 3,000 forms around Fisher 2, 10,000 citizens gather across the street, and a stream of cars from all over Michigan brings in automobile workers by the hundreds to reinforce the picket line. The picket line cheers while it marches, and when 500 women of the "Emergency Brigade" with red berets and "E. B." armbands join the line, the sitdowners at the windows of the huge plant go wild. What will happen? By nightfall Judge Gadola announces that until General Motors again goes to court to give evidence that the court order has been held in contempt, there will be no ouster. The sitdowners remain in possession. Flint breathes again.

At midnight a new crisis comes. The Flint Alliance people are furious; a mobilization of special police takes place; the Mayor openly tells newspapermen, "We are going down to the plants to shoot." The union mobilizes again on the streets. Finally a conference between union heads and the chief of police results in an agreement that if the chief will demobilize the deputies, the union will send the pickets home.

The pact lasts till the next day, when the police break it by swearing in 600 new deputies, bringing the number to 1,000. The city's temperature rises, and General Motors gets a writ from the court for the arrest of the union leaders. Sheriff Wolcott frantically tries to telephone Governor Murphy to ask that the National Guard be permitted to assist him in ousting the sitdowners. The union sends word to the sitdowners in all three plants: "Be calm, probably nothing will happen, but be prepared." Wives, sweethearts, and mothers hold a dance in a snow storm in front of Fisher 2.

I try to take the temperature of opposing forces.

A National Guard captain says to me, "If the Governor doesn't let the National Guard evict the strikers all government is at an end! We are under terrific pressure," he says, "the 'good' citizens of Flint can't be held under much longer." In a drugstore I talk to three guardsmen. "We have faith in Governor Murphy; he'll never order us to put out the strikers. And if he does, we'll shoot over their heads; we're automobile workers too." But in the big houses on Du Pont Avenue there is plenty of pressure for military eviction. George Boysen has just announced that Governor Murphy should be impeached. The owner of the drugstore has another view. "This whole block of stores," he announces proudly, "is solid for the union. Hell," he says, "I never got anything out of G. M. dividends; a union victory is better for my business."

In the three plants held by the sitdowners morale has been high all week. In Plant 4 (Chevrolet) heat and electricity have been turned on and off intermittently by the company in an apparent effort "peacefully" to evacuate the plant. The company sends foremen to the wives of sitdowners urging them to send "come home" messages to their husbands. But only a handful have left. In Fisher 2 the original Flint sitdowners are thoroughly cheerful. Since their battle with vigilantes on Monday food has been coming in regularly; the men have three radios, and by knocking the bottoms out of two wastebaskets and tying them to stanchions in a storeroom, they have made themselves a basket-ball court. Both plants are guarded by howitzers and machine-guns and detachments of bayonet-armed guardsmen. In Fisher 1 I attend a night meeting of all the sitdowners. They have organized themselves in preparation for a siege. They declare that they are ready to "get shot" if General Motors gives the signal for enforcing the court order.

Unquestionably the distinguishing feature of the Flint strike, apart from the heroic determination of the sitdowners, is the almost military control and discipline that prevail among the strikers in the whole area. Union headquarters in the Pengelly building are thoroughly departmentalized into strike strategy, commissary, women's auxiliary, transportation, publicity, and other committees. Inside the plants a committee governs through a corps of plant stewards with from twenty-five to fifty men under each. Machinery in the plants is scrupulously protected, and the whole plant is cleaned once a day. Internal police keep order, and there are sentinels on the roof. A stream of workers signs up daily with the union in the Pengelly building. Since the first sitdowner sat, membership has doubled in the Flint area. But there are still thousands of non-unionists.

Through the endless negotiations it is Flint which has been the chief threat to Knudsen's position, the chief weapon in Lewis's arsenal, and incidentally the bomb on which Governor Murphy has been manfully sitting for more than a week. Will it explode?

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WASHINGTON WEEKLY

BY PAUL W. WARD

Presenting John P. Frey

Washington, February 7

WHILE the rest of the nation mulls over the President's move to dodge the constitutional-reform issue by padding the Supreme Court, let's take up the case of John P. Frey, chief backbiter of the American labor movement at the moment. Frey has just issued a public statement attacking the sitdown-strike technique as "made in Moscow." Before that he successfully used his influence to get the Cleveland Federation of Labor to rescind its resolution indorsing the C. I. O. strike at local General Motors plants. And before that he had engineered a demand by metal and building-trades unions that General Motors reopen its plants and refuse to deal with the C. I. O. "outlaws."

All these things have been of invaluable aid to labor's enemies in creating the idea that the American labor movement's rebirth in the General Motors strike was and is illegitimate. They have been of aid solely because they bore the stamp of a supposedly responsible and high-minded labor leader, the president of the A. F. of L.'s metal-trades department. It is important, therefore, to consider precisely what kind of man Frey is, and we may as well begin that consideration by reporting that among labor lobbyists here—both A. F. of L. and C. I. O.—he commonly is referred to as the liaison officer between the A. F. of L. and Army Intelligence. Neither Frey nor the War Department will confirm this report, of course, and the War Department records show simply that he has been since 1928 a lieutenant colonel in the Reserve Corps and only recently was retired to the "inactive" list because of his age.

The report itself may help to explain why Colonel Frey not long ago boasted to some newspapermen that he sees copies of all the confidential correspondence passing between Communist leaders in this country and abroad. It may also explain why the La Follette committee—in exposing the National Metal Trades Association as a far-flung espionage agency engaged, with the aid of some of Frey's subordinates, in sabotaging the very unions Frey is supposed to lead—was unable to obtain any helpful data from Frey but was offered by him, instead, a mass of alleged evidence showing Communist "infiltration" of the trade unions. Once a year he struts off to the War College to teach the soldiers about organized labor; and those in his audience who are attached to Army Intelligence go on helping the labor-espionage agencies with their work, while the War Department tightens up its plans to conscript labor during the next war.

Frey, if he were not actually dangerous, and potentially more so, would be a laugh-provoking spectacle. An inherently stupid man, he is full of pretensions to scholarliness. But even his appearance stirs the risibilities, especially when, as so frequently happens, he dons his officer's uniform and goes on parade. He is almost Negroid in appearance but unbearably Aryan in his race pride. In recent years he has taken to boasting that his forbears were Prussians and that his name is, by rights, *von* Frey. He was born sixty-six years ago at Mankato, Minnesota, of a German father and a French mother. During the World War he emphasized his French ancestry and efficiently served as Gompers's French interpreter overseas. In the years immediately after the war he used to denounce anything distasteful to himself and the rest of the A. F. of L. hierarchy as "made in Germany," just as today he denounces the sitdown strike as "made in Moscow." Until recently unemployment insurance in Colonel Frey's opinion was "made in Moscow," and he publicly reviled it as a scheme destined to destroy the labor movement. At the 1920 A. F. of L. convention at Montreal he dubbed the stand of the railroad brotherhoods for public ownership as "made in Germany" and helped Gompers and Matt Woll to keep the convention from indorsing the brotherhoods' position.

He belongs to the Molders' Union, which gave us Tom Mooney, and rose to his present eminence via the editorship of the *Molders' Journal,* which he held from 1903 to 1927. Frey joined his colleagues on the union's executive board in suppressing the progressive inclinations of the rank and file and thus reducing the union to its present size and impotence. This man who now assails the sitdown strike as a threat to democratic process in trade unionism has all his life been engaged in stifling rank-and-file efforts and crushing democracy out of the labor movement. In 1924 rank-and-file delegates to the Molders' Union convention put over resolutions calling for a third party and for amalgamation in the metal trades, that is, industrial unionization. The union's delegates to the A. F. of L. convention that year were instructed to present and fight for the adoption of similar resolutions by the federation. Frey and the rest of the salaried officers of the union were its delegates to the A. F. of L. convention. That delegation, with Frey taking a leading part, decided that the delegates to the Molders' Union convention did not know what the rank-and-file membership wanted and that the resolutions they had adopted were unwise and unsound. They proceeded to oppose instead of support the position which their own convention had taken by democratic process. The "dictatorship by militant minorities," which Frey discovers and assails in the General Motors sitdown strike was not distasteful to him in 1924.

It was this same Frey who "prosecuted" the C. I. O.

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unions in the proceedings before the A. F. of L. executive council last year that resulted in their suspension from the federation. He played a similar role at the A. F. of L. convention and became so overwrought that he had to leave for a European rest cure. John L. Lewis recently remarked that he never thought of Frey without recalling the Buffalo convention of the A. F. of L. when, as Frey was making a speech, Jim Fitzpatrick, of Actors' Equity, leaned over and said to Lewis, "I've been coming to these conventions for twenty years and all I've ever seen that man [Frey] do is constantly try to correct the mistakes of God." Frey brought to the ouster proceedings a vast venom and a stupefying array of irrelevancies. It took hours for Frey to get to the point, for it was essential to his assumed role as the great scholar of the American labor movement that he go back to the beginnings of history for his opening statement and work up gradually to date.

Frey's scholarly pose is almost pure fake. Nevertheless, it is taken seriously by a great number of American leaders who regard him as a Jesuit among them and respect him unutterably for it. It even causes him to be called "Dr. Frey" by the swart and oily Matt Woll. Frey's reputation as a scholar is rooted almost entirely in the fact that he has read Gibbons's "Decline and Fall of the Roman Empire." He awes the bullnecks who cluster around him at labor conventions with talk of ancient Rome. As proof that he is an authority on the subject he shows them snapshots of ruins that he himself took while on a visit to Rome some years ago. His other badge of scholarship is a book he wrote in 1922 on the history of labor injunctions. Only Frey could conceive so deadly dull a book on the subject; it would still be gathering dust in the publisher's bins if Frey's friends at the top of the A. F. of L. had not passed out word that it was a good book for any labor leader to have who aspired to higher things.

At the moment Frey himself is unable to devote his full time to deploring the G. M. sitdown strike because he is having to give part of it to assisting J. P. Morgan, Myron Taylor, Charles Schwab, E. T. Weir, and the rest of the steel barons in carrying forward an employers' sitdown strike. The steel manufacturers have decided not to bid on steel contracts offered by the Navy Department unless they can escape the forty-hour week imposed on all federal contractors by the Walsh-Healey bill. As a result of their strike the Navy Department is about to have to stop work on two submarines building at its Portsmouth yards and probably will have to stop work on other war craft. The navy has joined with the steel masters in bringing pressure on the Labor Department for an "emergency" exemption from the Walsh-Healey bill and, meeting no success there, has now turned to Frey and his metal trades with a plea that unless they help get an exemption out of the Labor Department 30,000 machinists will have to be laid off by the navy. Frey has agreed to a conference on the matter here a few days hence and has asked that there be no public hearing and that the negotiations take place in secret. It would never occur to him, or to the Navy Department either, that if an "emergency" that endangers the national security exists, the time has come for the government to take over the mills and make its own steel, instead of yielding to the steel barons, who actually are intent only on resisting the workers in their fight for unionization.

Chicago Is Broke

BY MILTON S. MAYER

Chicago, February 3

IN THE midst of the greatest era of prosperity this country has ever known since the last one, the city of Chicago is going broke. It cannot meet its obligations. Day after tomorrow is pay day for its 13,000 teachers, but there will be no pay.

Two months ago the Civic Federation stated that "financial chaos" was imminent unless tax collections improved. One month ago Mayor Kelly said that the city would not be able to meet its pay roll "by summer" unless tax collections improved. Day before yesterday was the deadline for the second instalment of the 1935 real-estate taxes—Chicago lives two years ahead of its income—and, with tax collections rising in every other large city, the receipts were the poorest in three years, the levy of $139,000,000 having been only 56 per cent collected.

Cook County's uncollected taxes for 1928-34 total $355,000,000, and if it were not for $22,000,000 in taxes paid through HOLC and RFC loans—not to mention $136,000,000 poured into improvements, maintenance, and dole by the PWA and the WPA—the city would be not only broke but boarded up. (In 1934 New York, with a lower tax rate than Chicago, spent $98,700,000 of its own funds for relief, while Chicago spent $1,100,000.) Dun and Bradstreet places Chicago's total tax delinquency at 35 per cent—the highest in the country by almost 10 per cent. Of the $355,000,000 "uncollected," more than $50,000,000 of real-estate taxes has been taken off the books by court action; $180,000,000 is represented by that standing joke, the personal-property tax. Tax experts agree that $150,000,000 may ultimately be realized on the "uncollected" $355,000,000.

But this $355,000,000 has been spent, every cent of it. How does a city spend $355,000,000 it hasn't got—more than half of which it will never get? That's easy. When the constitutional limit on the bonded debt has been reached—and Chicago has long since passed that

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stage—the city obtains operating funds by selling to the banks warrants against future taxes. There are $150,000,000 in tax warrants outstanding at the present time, bearing interest as high as 6 per cent.

Back in the early thirties the banks grabbed the warrants right up to 75 per cent of the levy—the limit allowed each governmental unit. Since then they have refused to finance more than 60 per cent of the budget in this way. Then what does the city do? Why, it turns to the $67,000,000 traction fund, which has been built up out of the straphangers' nickels for the past thirty years against that glorious vision of "eventual" municipal ownership. Big Bill Thompson discovered what could be done with $67,000,000 lying around loose; his successors emulated him, until today the traction fund consists of $1,500,000 in cash and $65,500,000 in—guess what? —tax warrants, sold *by* the city *to* the city.

The tax-spending bodies of Cook County will have to sell warrants against taxes collectible two years from now to finance their 1937 budgets. How far will the banks gamble, with current tax collections falling steadily and collections for the past seven years 35 per cent delinquent? Banks don't gamble, not when they have a city by the throat. A few weeks ago an out-of-town sucker finding himself stuck with warrants bearing high serial numbers went to court, and Federal Judge Wilkerson held that all warrants would have to be paid off pro rata, instead of by serial number. Thus the banks, which hold all the low serial numbers, lost their preferred standing and, it may be assumed, some of their appetite for tax warrants. Last year, when the city tried to issue bonds to pay off warrants—oh, we've tried everything in this town—the state Supreme Court said no, and the warrant business took another on the chin.

The school board, the most notoriously and the most consistently broke of the six major tax-spending units in the county, still has 1935 and 1936 tax warrants unsold. Until the state legislature and the city council approve the board's 1937 levy—all three bodies are adjuncts of the Kelly-Nash machine, but the legal mechanics of approval take time—the board can't issue any 1937 warrants. Maybe, says Board President McCahey, the first or second pay roll in March will be met. Well, the teachers went payless for eighteen months before the RFC took a $22,000,000 mortgage on the school board's property. Mr. McCahey warns the public that unless the board gets the $45,000,000 it is asking for, teachers' salaries, already reduced 23.5 per cent, will have to be cut, the school year curtailed, and the teacher load probably increased.

Chicago is two years behind on its bills and getting farther behind all the time. It has to pay a premium of from 10 per cent to 15 per cent on its purchases. Judgments against the city date back to 1931 and are selling as low as 30 cents on the dollar. Bonds have been sold to meet operating expenses. Pay rolls have been suspended and services reduced. Chicago's adjusted tax rate of $35.15—New York's is $24.84—is second only to Boston's $38.00 and is going up fast.

Where will it end? The answer is that it won't end. Here is a corporation that is bankrupt by every standard of corporate practice. But the city, the legal boys tell us, "is a sovereign which cannot abdicate." What can its creditors do? They can get judgments, but they can't sell the City Hall to satisfy the judgments. They can't throw the city into bankruptcy. That door was recently closed by the United States Supreme Court. "The only remedy," Justice Cardozo said in his minority opinion, "was a mandamus whereby the debtor was commanded to tax and tax again. The command was mere futility when the tax values were exhausted. . . . Municipalities and creditors have been caught in a vise from which it is impossible to let them out."

Of course there are reasons—superficial reasons—why Chicagoans don't pay their taxes. One is the "relief" given small home-owners by executive or judicial fiat reducing tax bills. That happens in no other city; it has happened twice in Chicago in the past few years, on both occasions at the behest of the local Hearst papers in their customary false-face as the little fellow's friend. In 1933 the state tax commission reduced the valuations on small homes and flat buildings by 15 per cent, over the protest of its one non-political member, Professor Simeon Leland. Then County Judge Jarecki heard the clarion call of justice—or was it the voters?—and ordered a 7½ per cent reduction in the tax bills on 400,000 small homes. One of the "remedies" proposed in the present crisis is the remission of penalties—aggregating as much as the taxes themselves on the oldest bills—in exchange for immediate payment.

The effect of these measures is inescapable. Every taxpayer who didn't come in for "relief" last time withholds his taxes in the hope that if his category becomes sufficiently delinquent some far-sighted office-holder will grant him "relief," too. The taxpayers of Chicago have come to understand that there has been no real effort to collect taxes. State's Attorney Courtney, the local J. Edgar Hoover, was too busy flushing Touhys to prosecute voters (who happened to be taxpayers) or impanel a grand jury to investigate tax-fixing. Back in 1932 chance revealed that the tax commission had forgotten to assess the capital stock of the Pullman Company, one of the largest corporations in the county.

Illegal levies have furnished another incentive to tax-resistance. Budgets have been padded year after year to create collateral for tax-warrant loans. During the reassessment of 1928 there were no tax bills payable for twenty-six months. The new assessment equalized the most outrageous of the disparities—previous valuations had run all the way from 13.9 per cent to 74.1 per cent of the sales value—but when the accumulated bills were sent out, in 1930, the depression was on and the taxpayers were critical. There were lawyers in plenty to point out illegalities for them, and tax objections were filed by the thousand. (Objections for 1935, now being filed, are expected to run to 40 or 50 per cent of the total levy.) The religious went on paying the excessive bills; the wise guys objected and received reductions.

Then the county treasury's antiquated bookkeeping system collapsed. The tax books had been kept for indi-

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vidual years, without any indication of accumulated delinquency. With four or five years' taxes delinquent and litigation on hundreds of thousands of individual bills in various stages of court proceedings, the county treasurer—the choice of the local Tammany—just gave up. Fraud was rampant. Tax payments were recorded which were never made. A recent examination preparatory to the installation of modern bookkeeping (now that both horse and barn have been stolen) revealed that no court orders overruling objections and opening the way to tax sales or tax receiverships had been placed on the books since 1928. All this not only discouraged taxpaying; it made it impossible to initiate a tax-collecting campaign. No one knows today how much, within millions of dollars, is owing the city; how much, within hundreds of dollars, each piece of delinquent property owes; how much, within tens of millions, has been washed off the books by reductions and remissions.

More than half the "uncollected" taxes are on personal property—$180,000,000, or 44.3 per cent of the total personal-property levies for 1928-34. The creaking Illinois constitution provides for uniform taxation of real and personal property. The inequity of the latter tax has been universally recognized since Governor Altgeld pointed it out in 1894.

The personal-property assessor is without the power of search. He cannot take sworn testimony. And he is supposed to ascertain not only the value of tangible personal property but of intangibles—stocks, bonds, bank accounts. The only thing he can do is guess. A gentleman renting a desk in a public stenographer's office for $5 a month and calling himself the Wilson Finance Company is assessed at $55,555.55. The firm of Dowdle Brothers, one of the city's biggest contractors, is assessed at $278.

And now we get to the root of Chicago's recurring crises. Only an amendment to the state constitution will permit the substitution of some source of revenue more equitable and more collectible than the personal-property tax. The obvious resort is a state income tax, and that is what the men who really run the machine that appears to run Chicago and Illinois will not permit. That is where "State Street"—the business interests—fits into the picture of the political organization whose petty peculations cost the wealthy a few dollars a year in the present types of taxes, in campaign contributions, and in outright graft. Aside from any other coincidence of interests—and there are many—the business leaders support the political system that supports the present tax system.

That is why the movement for a city manager sponsored by the City Club and the Chicago *Daily News* cannot obtain the support of the city's commercial and industrial giants and their "Civic Federations" and "Citizens' Committees on Public Expenditures." The present governor, Horner, "demanded" a revenue amendment to the state constitution when he ran for governor in 1932 and for reelection in 1936. Between elections the present constitution seems to suit him.

Chicago is ripe for reform. One scandal after another has broken on the heads of the bosses. The sins of the Kelly-Nash machine have brought Chicago's political morality to an all-time low. The taxpayers will take it out on those boodlers, by golly; they won't pay their taxes; they'll throw them out of office. But when the election comes along, everybody is for Roosevelt and Roosevelt is for everybody, and Ickes sees the light and comes through with an Outer Drive Bridge, and the Kelly-Nash New Deal sweeps every office in the county. And the taxpayers are going to pay their taxes besides, because they are the stockholders in a monopoly that can assess the stockholders without limit.

The present crisis will doubtless be "relieved." Silas Strawn's Citizens' Committee relieved the crisis of 1930 with a sales drive for high-interest tax warrants and a $75,000,000 revolving cash fund that revolved once and stopped. There will be more of this kind of relief, and Chicago will come through—on the bankers' terms. New laws for the forfeiture of delinquent property and the adjudication of tax levies before the bills go out will be passed. The legislature will grant the city new licensing powers at once, because the electricians' union, after giving the city a taste of three hours' darkness the other night, is going to go on a real strike unless pay reductions are restored, and most of the rest of the employees are suing the city besides. "If restorations were made to all city employees, it would amount to $2,800,000," said Mayor Kelly, "and the city just hasn't got it."

The city would have it if there weren't any Mayor Kelly and if there weren't "civic leaders" who support the system that produced him. The city would have it if the taxpayers didn't believe—about 25 per cent correctly—that "it all goes for graft anyway." The city would have it if it found out why a total of $30 was collected in 1935 on the barber-shop license fee running from $5 to $50 per shop. The city would have it if the Chicago *Tribune,* wringing its hands over "the tax muddle," wanted to tell the real instead of the superficial reasons why people don't pay their taxes.

"There is much to indicate that in the field of political intelligence the people of Chicago are subnormal," Professor Herbert D. Simpson wrote in his book, "Tax Racket and Tax Reform." The city-manager campaign gives the people of Chicago an opportunity to repudiate their reputation and to break the iron network of racial and national subcommunities which provides the key to their political impotence. But before Chicago can vote on city management the right to change its charter must be granted by the legislature.

When the Kelly-Nash "regular Democratic" organization tried, unsuccessfully, to dump Horner in the gubernatorial primary last spring, the Governor threw his own strength to the Republican side of the house and passed the permanent registration law. "It will cost us 200,000 votes," said National Committeeman Pat Nash publicly. Horner hasn't forgotten last spring. If he breaks with the machine on the city-manager legislation he will win the support of the *News*—which, even under Frank Knox, is still Chicago's only independent newspaper. The machine, its grip on the state restored by the last election, is confident that Horner won't dare rebel. But bedfellows have been known to make strange politics.

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How Chiang Was Captured

BY AGNES SMEDLEY

Sianfu, December 15, 1936

THE uprising in Sianfu and throughout China's Northwest is a logical sequence to the events of the past year. The growing hostility of the Chinese people to what is known as Nanking's "surrender policy" with respect to Japan has extended to Chinese soldiers and officers in every part of the country, even including many under the command of General Chiang Kai-shek. One of the first armies so affected was the Tungpei, or Northeastern Army, under the command of Marshal Chang Hsueh-liang. The Twenty-ninth Route Army in Hopei is also imbued with this hostility, as are the troops in Kwangsi and those of Yang Fu-cheng in Sianfu. Months ago General Yang Fu-cheng and Marshal Chang Hsueh-liang welcomed student delegates from Peiping and called mass-meetings of their soldiers to hear the message of the National Salvation movement, which appeals to people of every class willing to fight Japanese imperialism. General Chiang Kai-shek, in the attempt to crush this rising tide of criticism and hostility, not only passed his special emergency laws, but whipped students in the streets, and kidnapped and arrested students, professors, and writers. He also sent Blue Shirt units through China to penetrate all National Salvation groups and hold the opposition in check by spreading the rumor that the Nanking armies would fight the Japanese within three months.

During the past year Marshal Chang Hsueh-liang, pressed by the officers and men of his army, has asked

more than once for authority to move against the Japanese. After the formation of the People's Front in Spain and particularly in France, agitation arose for a Chinese People's Front to fight China's chief enemy, Japanese imperialism. But General Chiang and his followers looked rather to Fascist Germany and Italy as examples, and the true face of fascism was revealed to China in the Japanese-German alliance and the German and Italian recognition of Manchoukuo.

Then came the Japanese invasion of Suiyuan and the armed occupation of Tsingtao. All propaganda to the contrary, none but General Fu Tso-yi's troops are fighting in Suiyuan; General Chiang has only three divisions in Shansi and Suiyuan, and these are in the rear. Not one Nanking plane has attempted to drive off the Japanese bombers. In late October Marshal Chang Hsueh-liang sent urgent telegrams to General Chiang Kai-shek and to General Chen Cheng, Chiang's ablest military commander, asking for a new policy of resistance to the Japanese and for a united front which would include the anti-Japanese Red Army. He was refused. Later he met General Chiang and argued for defense against the Japanese. General Chiang refused and made threats. Marshal Chang continued to obey General Chiang's orders in public. In a lecture at the military school in Sianfu he said that the Tungpei Army must continue to fight the Red Army, which was the nearest and most dangerous enemy. The Japanese, he said, were not the chief enemy. After the lecture the student-commanders openly criticized this policy, saying it meant surrender to Japanese imperialism. On the following day men rose in class to oppose it. Still obeying General Chiang, Marshal Chang dismissed these men from the school. At the same time students, soldiers, and even officers were canvassing every household in Sianfu collecting money for the Suiyuan troops. This action had led in other cities to the arrest of students, but in Sianfu the authorities did not dare arrest them.

Now Marshal Chang in a long and urgent letter made another appeal to General Chiang, reminding him of his promise at the last Kuomintang Congress that he would fight if the Japanese took one more inch of Chinese territory. "I and all my officers and men have obeyed you faithfully for years," wrote Chang, "believing that you would lead us against the Japanese. You have not done so. However, it is not too late. We now demand that you give us the right and opportunity to drive out the Japanese. In any case, I must tell you that I cannot control my army much longer." In reply to this ultimatum General Chiang asked the Marshal to meet him in Loyang. Nothing came of this meeting except a promise by General Chiang to come to Sianfu and meet the Tungpei commanders in person.

Behind the scenes, however, many events had taken place. The Tungpei troops had had enough of fighting their own countrymen in the Chinese Red Army. They had suffered serious defeats and refused to try any longer to do what General Chiang with a million men had been unable to accomplish in eight years of ceaseless warfare. Moreover, the Red Army was appealing to them to

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form a common front against the Japanese and had proved its sincerity by many compromises in tactics. General Chiang, knowing that a truce had existed for months, sent three of his best-trained and best-equipped divisions into Kansu under General Hu Chung-nan, Blue Shirt chief. General Hu boasted to Marshal Chang that he would annihilate the "red remnants," but Marshal Chang sagely remarked that this was a big boast. Then, said General Hu, he would so weaken them that they could be destroyed gradually. Marshal Chang replied, "Beware, lest it is you who are so weakened." General Hu marched against the reds and in the three weeks preceding November 18 advanced eighty *li* into Red Army territory. The reds slowly retreated. Then on November 18, and again on the twenty-first, they swooped down, surrounded two brigades of Hu's crack division, and captured them with all their equipment. Some of the captives were sent back to Papa Hu to tell the other troops what had happened. The others were disarmed and read a lecture on the folly of Chinese fighting Chinese at such a time. Meanwhile the rest of the invading army had retreated, this time covering the eighty *li* in three days. To General Hu, Marshal Chang sent a telegram saying in effect, "I told you so!"

A short while before, Marshal Chang had organized a special military training school for students in Sianfu, which was attended by about a hundred students from the North. General Chiang objected to this school and wired Marshal Chang that he had information that many of the students were Communists. Marshal Chang replied that he took any man who loved his country and was willing to fight for it, and added, "From whom did you get your report? I ask because my representatives in Peiping got the same news from the Japanese. I suggest that you do not believe everything the Japanese say."

The Generalissimo kept his promise made at Loyang and on December 7 came to Sianfu to consult with the Tungpei commanders, who had agreed with the commanders of General Yang Fu-cheng to ask for permission to move against the Japanese at once. General Chiang arrived in Sianfu with a large retinue. With his secretary, Chen Ta-chen, his nephew, Chiang Hsiao-hsien, and his bodyguard he lived in the hotel-temple at Lintung some twenty or thirty miles northwest of the city. The others lived in the Sianfu guest house. The Generalissimo would not meet the Tungpei and Yang Fu-cheng commanders at a general conference. Instead, he began his famous tactics of splitting them into cliques and trying his "silver bullets" on them. Admitted to his presence one at a time, to a man they answered him in phrases like these: "My mother, General Chiang, was killed by the Japanese; my two brothers and my sisters were slaughtered." "My native land is occupied by the Japanese." "My father's body, slit with Japanese bayonets, remains unburied in my native village." "Your word we must obey, Generalissimo, and we have done so up to today. But we refuse longer to fight our own people."

To which General Chiang replied, "You have one duty before you—to destroy the reds."

On December 9 an incident occurred that did little to improve the situation. On that day, an anniversary of the student movement, thousands of students, large and small, marched through the streets of Sianfu in support of the demand that armies be sent to the defense of Suiyuan and Shantung. The police force of Sianfu is under the control of Hsiao Li-tze, one of General Chiang's chief officials and civil governor of Shensi. General Chiang ordered him to break up the student demonstration and not allow them to march to Lintung to petition him. As the students marched toward Lintung, the police fired,

seriously wounding two little boys, twelve and thirteen years old. This incident sent Marshal Chang and a number of other leaders to Lintung in angry protest. They had already demanded the release of the seven National Salvation leaders in Shanghai, and had met with a categorical refusal, General Chiang stating definitely at this time that he was opposed to a People's Front.

The tense atmosphere in Sianfu was aggravated by the presence of the Blue Shirts, to whom General Chiang Kai-shek had handed a list of suspects to be arrested. The Blue Shirts were armed, and it was known that they were planning a coup. Marshal Chang, however, knew every Blue Shirt in the city, he knew of the blacklist, and men went into hiding. On the night of December 11 the commanders of the Tungpei Army conferred with those of Yang Fu-cheng's army. The next morning they struck with lightning rapidity; if they had not done so, their soldiers might have acted without them. General Chiang's headquarters at Lintung were surrounded at dawn. The first man captured was General Chiang's nephew, Chiang Hsiao-hsien, chief of the Blue Shirts. When the soldiers learned who he was, they shot him to death on the spot. General Chiang escaped in his nightshirt, but only one of his bodyguard would go with him. This lone protector accompanied him for a short distance, then thought better of it, and turned back to inform the Tungpei men of General Chiang's whereabouts. Soon the General was captured with his staff.

The Sian guest house was occupied by Yang Fu-cheng's troops at dawn and all the inmates captured. General

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Hsiao Li-tze, who had ordered the firing on the students, was taken, along with practically every one of his officials. His Bureaus of Public Safety were all occupied and their chiefs taken prisoner. All the Blue Shirt headquarters, including their "secret" radio stations, were seized with their staffs and documents. One of Chiang's airplanes which landed in Sian to investigate was also captured. The 100 airplanes under General Chiang's command in Sianfu, ostensibly sent to fight the Japanese but in reality to bomb the Red Army, were all captured. In Sianfu the feeling was so bitter that one Chinese official in the General's party was shot because he looked Japanese.

Throughout Kansu these acts were duplicated. Tungpei troops attacked General Hu Chung-nan's troops, capturing one brigade outright in Lanchow. On all fronts there was open fraternization between the Tungpei soldiers and the Chinese Red Army. Martial law reigned in Sianfu for one day only; then shops were opened and life went on as before. A new administration was set up on the basis of the following eight points, which were outlined in a proclamation: (1) Reorganization of the Nanking government to include anti-Japanese representatives from all parties, groups, and organizations throughout the country; (2) the ending of civil war; (3) the immediate release of the National Salvation leaders in Shanghai; (4) the release of all political prisoners in the country; (5) the removal of all laws against and restrictions on the patriotic mass movement; (6) the protection of the people's civil rights—free speech, press, and assembly—and full political freedom; (7) the immediate realization of the last will and testament of Sun Yat-sen, which calls for an alliance between China and all countries that believe in its freedom and independence; (8) the immediate convocation of a National Salvation congress. On December 14 a Military Affairs Council was organized in which the anti-Japanese Red Army was accorded representation.

Thus ended one phase of a year-long struggle, in which Marshal Chang obeyed the orders of the Generalissimo until his entire army threatened to take independent action. Up to this time the prisoners have been treated with the greatest courtesy and care. At present the city bristles with anti-aircraft guns, and soldiers patrol the walls; heavily armed soldiers protect the mass-meetings at which all classes gather. Peace or war rests with Nanking. The Northwest will not fire the first shot.

Such is the situation down to December 15, evening.

[After ten days of negotiation Chiang Kai-shek was released on December 25 and flew to Nanking with his captor, Chang Hsueh-liang. While details of the ransom agreement were kept secret, the farcical "trial" and subsequent pardon of Chang Hsueh-liang were generally interpreted as part of a bargain by which Chiang Kai-shek agreed to accept the united-front program demanded by the Young Marshal. This interpretation was further confirmed by an agreement reached on January 17 whereby Chang's former aids, Yang Fu-cheng and Yu Hsueh-chung, were permitted to retain approximately their previous positions in the Shensi area. Right-wing Nanking elements, however, have repeatedly tried to undermine this agreement and at the last report were threatening to renew the anti-Communist campaign.—EDITORS THE NATION.]

High Finance Among Friends

BY JOSEPH EDMUNDS

THE curse of bigness, as everyone knows, is a substantial curse; but it requires the testimonials of the best-paid corporation managers to make this clear. Seated in the confessional of a Senate investigation, the men who rule the country admit that they have bad judgment but never bad intentions. This should console those who suffer during periods of economic collapse.

The Wheeler committee, whose chairman is Burton K. Wheeler of Montana and whose counsel is Max Lowenthal, has been investigating the affairs of a number of railroads chosen for study by Joseph B. Eastman. Since early in December the committee has held public hearings in Washington on various aspects of the Van Sweringen financing as handled by the New York banks. The principal witnesses have been William C. Potter, chairman of the Guaranty Trust Company, and his assistants in managing the banks' affairs. The Guaranty Trust Company is the largest trust company in the United States, having assets, and liabilities, amounting to more than $2,000,000,000. It appears from what Mr. Potter and his juniors have said that the public is indebted to them for an imposing proportion of its losses in Van Sweringen securities. The Wheeler probe has shown how some of these losses were brought about. Negligence, probably induced by the size of the transactions, was the cause of some; the confusion caused by a conflict between the banking and the public interest may have caused others. On occasion, when favored by every circumstance, the public escaped injury. Such a conflict of interests and such an escape are shown in the record of the committee's hearings. The following memorandum was written by a vice-president of the securities department of the Guaranty Trust Company:

> In October, 1930, Alleghany Corporation had to make a payment of $10,500,000 on account of the terminal properties in Kansas City and St. Joseph, Missouri, which it had contracted to purchase, *but found itself unable to borrow the money needed for this purpose because*

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of the 60 per cent borrowing limitation imposed by the provisions of the preferred stock. Arrangements were therefore made with J. P. Morgan and Company whereby they purchased $10,500,000 of Missouri Pacific convertible 5½ per cent bonds, due 1949, at par, and gave Alleghany Corporation an option, running to April 16, 1931, to repurchase the bonds at the same figure. At the time of the purchase (October 16) the bonds were selling at 105½. Guaranty Company participated to the extent of $3,000,000 in this purchase.

As Alleghany Corporation was unable to repurchase the bonds, the option was allowed to expire on April 16. Meanwhile the bonds had declined to a price of 82¼ and are now 75-77¼, and J. P. Morgan and Company and ourselves face a substantial loss.

Messrs. Van Sweringen recognize and concede that it was not contemplated that the bankers should incur any loss in connection with this transaction, *that the transaction was intended to be in the nature of a bank loan,* and that it took the form of a purchase with an option to repurchase only because that was the only way the company could comply with the provisions of the preferred stock. [My italics.]

Herein we see, by comparing the italicized passages, a recognition by the bankers of the prohibited character of the transaction which they were, nevertheless, attempting to carry through. At the same time, the Guaranty people consulted Lansing Reed, of the law firm of Davis, Polk, Wardwell, Gardiner, and Reed, who with John W. Davis, his partner, was also at that time a director of the Guaranty Trust Company, regarding means by which the trust company could be indemnified against any loss resulting from this transaction. This is particularly striking since the 60 per cent provision limiting Alleghany Corporation's borrowings had been written into its charter by the very same lawyers.

When confronted with this plain evidence out of the files of his own bank, William C. Potter, chairman of the Guaranty Trust Company, offered the following explanation to Senator Wheeler:

MR. POTTER: . . . Senator, these memoranda are the result of overzealousness on the part of some young man in the Guaranty Company. I know about that sale myself, and I was consulted when we bought the bonds, and it looked as though it was a very safe purchase at the time, and I was just wrong. I authorized the Guaranty Company to go ahead and buy those bonds, and when they came and talked to me about this thing, and about all these devious ways of getting in and out, and limiting our losses, I told the men, after I had had a talk with Reed, "You might just as well forget it. You have made a loss here. What is the use of crying about it?" We dropped it and did not do it.

The chairman shortly thereafter read into the record another memorandum written by the same vice-president who wrote the one previously quoted:

THE CHAIRMAN (reading): "We also discussed with Mr. Anderson [a partner in J. P. Morgan and Company] the matter of getting down in writing Mr. Van Sweringen's recognition of the moral obligation of Alleghany Corporation and of the Van Sweringens as individuals to hold us harmless against any loss on our purchase of the Missouri Pacific bonds. Mr. Anderson said that Mr. O. P. Van Sweringen had arranged that a suitable resolution be drafted covering this point which at the proper time was to be spread upon the minutes of a meeting of the board of directors."

Apparently this overzealous young man, from this statement, had discussed this with Mr. Anderson, of the house of Morgan, and Mr. Anderson, of the house of Morgan, said that Mr. O. P. Van Sweringen had arranged that a suitable resolution be drafted covering this point, which, at the proper time, was to be spread upon the minutes at a meeting of the board of directors.

MR. POTTER: But it was never done.

THE CHAIRMAN: All right. It was never done. Nevertheless, it shows that Mr. Anderson, of the house of Morgan, felt that this was not a straight sale, and that they ought to be recompensed for the loss that they had made; is not that true?

MR. POTTER: I will have to let Mr. Anderson speak for himself, but I know what I felt about it.

Morgan partners also, if not young, are evidently overzealous. Finally, Senator Wheeler said:

THE CHAIRMAN: If this was, as is stated in one of these memoranda, not a sale, but in the nature of a loan, then it was a clear violation on the part of the Van Sweringens, with the help of the bankers, of the charter provision, was it not?

MR. POTTER: If it was a loan.

THE CHAIRMAN: Yes; if it was a loan it was a clear violation of the charter provision.

MR. POTTER: Yes, sir.

THE CHAIRMAN: And if these young men are right, these overzealous young men, then it was a violation of the charter provision?

MR. POTTER: Yes; but they were wrong.

THE CHAIRMAN: And that provision was introduced by the bankers' lawyers [again, Davis, Polk, Wardwell, Gardiner, and Reed] in their prospectus?

MR. POTTER: Yes.

THE CHAIRMAN: And made very much of in the prospectus?

MR. POTTER: Yes, sir.

THE CHAIRMAN: And, of course, by reason of the fact that the Guaranty Company had floated these preferred stocks, it was the duty of the Guaranty Company not to do something which would violate the charter provisions of the Alleghany Corporation?

MR. POTTER: That is right.

The interesting part of this episode, apart from whether the New York bankers tried to help Alleghany avoid its contractual obligations, is that the chairman of the bank, if one believes him, kept from his staff the nature of the transaction. From October through May, if Mr. Potter is to be believed, the nature of the deal was known to Mr. Potter alone. But communication may be difficult between the ranking officers of two-billion-dollar banks. Or worse, if the facts were really known below stairs in the Guaranty, the help took matters into their own hands and disregarded their superior. This passage in the life of the bank should then be remembered as the heroic rebellion of the Guaranty vice-presidents.

Another phase of the investigation which the newspapers, for lack of space or other reasons, failed to make

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clear, is revealed in another story told by Mr. Potter. Alleghany Corporation, set up in 1929, sold in 1929 and 1930 about $160,000,000 of securities, both bonds and stocks. These were offered to the public through an underwriting syndicate participated in by Guaranty Trust Company, and Guaranty Trust Company was the trustee for the bonds. One hundred millions of the proceeds were devoted to buying the control of the Missouri Pacific Railroad Company. But according to Mr. Potter, the Van Sweringens, who were the promoters of Alleghany, did not reveal to their bankers the intended use of the money. The Guaranty, in the person of Mr. Potter, "thought" the funds were to be applied to the payment of debts; though there was no showing that such immense debts existed. Mr. Potter's story would indicate that the Van Sweringens were incorrigibly given to concealing their actions. Not only did they fail to reveal their affairs to the public, but they kept them secret from the bankers on whom they depended for their money. Mr. Potter's story also indicates that the Guaranty people were remarkably careless, attaching their name to tens of millions in securities without overseeing the use of the proceeds.

But if the chairman of the Guaranty Trust could decide that a loan was a purchase, as in the case of the $10,500,000 Missouri Pacific bonds, and leave his helpers uninformed of the nature of the transaction, it may be that some other Guaranty person knew of the Van Sweringen dealings in Missouri Pacific. Perhaps this time only Mr. Potter was ignorant.

In one very striking case ignorance of what Commissioner Eastman unhesitatingly characterized as fraudulent bookkeeping could not have been pleaded by J. P. Morgan and Company. The Missouri Pacific Railroad Company, in applying to the Reconstruction Finance Corporation for loans of $23,000,000 to pay off its debts to the New York bankers, submitted balance sheets which showed cash on hand which it did not have. The RFC relied upon these statements in considering the advisability of making the loan to the railroad, which subsequently went bankrupt, thereby endangering the safety of the government loans.

J. P. Morgan and Company became aware of the falsity of the railroad's statements in January, 1933, and a memorandum was found in its files by the Wheeler investigators proving this awareness. However, there is no evidence to show that the bankers at any time took any steps to have the truth made known to the public, which held the bonds of the railroad which the bankers had floated, or to the government, which had lent money to the railroad.

If Mr. Potter was shocked to know that the Alleghany money was being used for buying another railroad, he was doubly hurt when the Wheeler committee presented certain documents from the Van Sweringen Corporation files. This corporation was set up in 1930 to finance the Cleveland urban properties of the Van Sweringens, which were tied in with a terminal development intended to be similar to the Grand Central district in New York. After considerable urging by their friends, the Morgans, the Guaranty people underwrote an issue of $30,000,000 of five-year unsecured "gold" notes on which the public lost $15,759,000. The history of this note issue is complicated in many ways, but in two details shows how trusting the Guaranty people were as far as their Cleveland clients were concerned.

The Van Sweringen Corporation had as its principal asset the stock in the company which owned the Cleveland terminal land and buildings. This company had never earned money, a fact unknown to Mr. Potter or any of his Guaranty Company vice-presidents. No one in the Guaranty Trust Company, according to the testimony, had ever seen a balance sheet or income statement of the company which owned these Cleveland real-estate assets. Nor had they asked for such statements.

In the same hearing it was brought out that the assets of the Cleveland Terminals Building Company were written up by $16,000,000 immediately before the Van Sweringen Corporation notes were offered to the public. This write-up had the inevitable effect of causing the Van Sweringen Corporation to appear more appealing as an investment. Fortunately for the conscience of the Guaranty Trust Company, if not for its reputation, Mr. Potter and his assistants were able to testify that they had at no time been aware of this accounting feat.

The Guaranty people were so horrified when these facts were discovered seven years afterward, and by strangers, that their leader, Mr. Potter, made an informal statement expressing his shock. As on so many occasions it appears that the New York bankers had been too trusting. Mr. O. P. Van Sweringen was from Cleveland, which is a large city, and he had deceived Wall Street with his artful and deceptive manner. This version of the dealings between the New York banks and the Van Sweringens has become incontrovertible since the death of both Van Sweringens.

The last week has witnessed an attempt to cripple the Wheeler investigation by denying the committee the use of expert personnel employed by other branches of the government. It is curious that this attempt has been made shortly before Thomas W. Lamont and other Morgan partners are to appear in Washington. Connoisseurs would be reluctant to have the hearings come to a premature halt in the midst of Mr. Potter's stories. Those who enjoyed Mr. Lamont's version of history before the Munitions Committee are looking forward to his treatment of the Van Sweringen cycle.

Aside from its value to social historians, the testimony of men like Mr. Potter and Mr. Lamont is of no use unless it moves Congress to take the control of American economic life out of their hands. Congress, being by nature inert and its acts inconclusive, will not be moved except by the gadfly of an investigating committee, reinforced by a candid press and public support. The Wheeler committee has wisely refrained from espousing any program of action until its inquiry is concluded, despite the fact that its chairman introduced a government-ownership bill in the last Congress. Failing government ownership, Mr. Potter will continue to be shocked and surprised. Mr. Potter's last shock cost the public $15,759,000.

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Issues and Men

BY OSWALD GARRISON VILLARD

MY FRIEND Professor Henry Pratt Fairchild has taken me to task vigorously for a sentence in my Issues and Men of December 19. Writing of the overwhelming flood of begging letters I had received, I said that most of them would be unnecessary "if our whole economic system were revised"; and then I added, "But that is a long, long way off." It was this last that so deeply stirred Professor Fairchild. He declared that it was a defeatist attitude and wrote, "Of course social regeneration must remain a long way off if people like yourself, who have understanding and convictions, continue to be so timid and evasive." And then he asked, "Why didn't you follow up your very impressive presentation of the situation by a vigorous attack upon the cruel irony and waste of all such futile benevolences and a ringing challenge to your wide circle of friends and readers to face realities squarely and join with you in a campaign to bring about that revision of the economic system which you believe to be efficacious? Must we go on forever evading, sidestepping, and waiting impotently?"

Well, perhaps I should have said that a revision of the economic system need not necessarily be a long, long way off. I did not elaborate that point for several reasons. In the first place, I am limited to a page, save in a few very special cases. In the next, it never occurred to me that in saying that economic revision was a long way off I was taking a defeatist attitude. And if I had thought about it at all, I should probably have considered that after so many years of writing my views in the New York *Evening Post* and *The Nation* I was pretty thoroughly on record both as to the necessity of revision and as to my belief that it could be brought about in our lifetime.

But, after all, journalists have to be realists. By that I do not mean that they should be recreant to their ideals or hesitate to press them, but that they must face the facts. All my life I have advocated pure and unadulterated free trade, and I have to admit that it is only within the last three or four years, since the passage of the Hawley-Smoot tariff, that we are beginning to make headway against the protection infamy. So with the general revision of our economic system. I have criticized that system innumerable times; I have denounced it with all the vigor that I could command; and in these pages I have repeatedly named the steps which should be taken to change the wrongs that cry out to heaven, to end the injustices that are so utterly indefensible. I agree with Professor Fairchild that "if the trumpet give forth a feeble sound, who shall prepare himself for battle?" But that does not prevent my realizing that the battle has been very long and is going to be long, and that in certain places, as in Germany and Italy, we have lost a great deal of ground in the last few years.

One difficulty, of course, is the magnitude of the battlefield and the number of issues. I have often said that the American Abolitionists were the most fortunate reformers I have ever known, since they had one cause to fight for, yet that cause was an economic, a social, a political, and a moral one. It had every attribute to enable its proponents to arouse their fellow-citizens. We have innumerable issues because we have become conscious—even the conservatives among us—as never before, of the many phases of the struggle for human emancipation, of which that of the colored people was only one. Our sympathies are torn today by the wrongs of the sharecroppers in the South, of the miners in Harlan County, Kentucky, and the coal fields everywhere, of the floating fruit pickers in California, of the seamen, of the children in the factories and the mills—endless wrongs visible wherever one turns. And there is no single specific for these. No new Emancipation Proclamation can end all these wrongs with one stroke of the pen, as Abraham Lincoln ended the buying and selling of human beings. The Communists think they know how, and Russia may yet prove that it has achieved the millennium, but heaven knows Russia is a long way from that today.

If we turn to Professor Fairchild's little book "This Way Out," we find that he, too, has no really immediate remedy. He believes in the development of cooperation; he desires a certain amount of collectivism; he believes that a collective society can be far more efficient than our present system. He thinks that a plant run successfully by a man hired by 500,000 stockholders can be just as successful if the man is hired by 125,000,000 Americans, and he supports his beliefs with strong arguments. I think that he wants us to take over banking and credit, transportation, communications, light and power, underlying natural resources, munitions, and basic industries, and to do so by making the corporations the center of transition, just as Germany has taken over a majority interest or the entire ownership of many corporations. But this calls for time—lots of it. It would be a staggering task, and even if the country should agree tomorrow to accept Professor Fairchild's views, it would be years and years before they could be put into complete practical operation. How long will it be before we can get even 10 per cent of the population to agree upon a program of action? But we must not lay down our arms or cease to urge our own particular remedies simply because unanimous action is difficult and delayed. With that I agree, and if I have ever been remiss in speaking out, I apologize.

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BROUN'S PAGE

All the News and Fits

THERE have been some strange capers in the papers of New York. In particular the *Times* has been departing from certain long established traditions of its own. The changes are interesting and not without merit. Even so I was recently startled to find the *Times* using two headlines on the first page to announce that one of its reporters, Russell B. Porter, had been barred by the sitdown strikers from a plant in Flint. I may point out that in the past it was not considered news when a reporter failed to get a story. His failure, whether caused by some fault of his own or an act of God, was considered a private matter concerning only himself and his editor.

By a coincidence the turndown of Russell Porter came on the same day that Mr. Sloan refused to see Miss Perkins. To the editors of the *Times* the two events seemed of equal importance. I had my early reportorial training on the *Morning Telegraph,* which had a lesser standing than the *Times,* but my boss, the late Shep Friedman, said to me, "Don't write about yourself or other newspapermen in doing a story. Reporters and what happens to them have nothing to do with the news." And at that time most of the dailies of New York adhered to this philosophy. The coming of the by-line brought a certain shift away from sheer impersonality. But the *Times* lagged in allowing signatures, and even when reporters had their names at the top of their stories no license was granted to them to express opinion. Indeed, Mr. Sulzberger on many recent occasions has spoken in favor of utter impersonality in reporting. He has professed to fear that any kind of organization of reporters would diminish impartiality, since, according to his theory, a member of the Guild might write of labor from a sympathetic standpoint.

Now I wonder whether he is aware that he has run smack into another horn of the problem. The sitdown strikers of the Flint plant denied admission to Mr. Porter because he is not a member of the American Newspaper Guild. And by calling attention to the episode in headlines I rather fear that the *Times* has greatly impaired the utility of an excellent newsgatherer. Mr. Porter has now been advertised to the world at large as a man who has steadfastly refused to join the union of his own craft. Almost inevitably other labor groups with whom he comes in contact during his work will regard him as a man whose mind is set against organization.

The case of Edward Angly of the New York *Herald Tribune* is even more unfortunate. His paper did not give very much space to the fact that its reporter was barred at the same Flint plant for the same reason, but it did commit the indiscretion of carrying a short signed piece by Mr. Angly in which he announced that he was not a Guild member. This system of announcing the particular point of view and background of each reporter may be arduous as well as revealing. I wonder, for instance, whether the *Herald Tribune* will think it necessary to print below the name of the reporter who covers some Democratic candidate for office the short notation, "Our correspondent is an Ind. Rep. but once voted for Grover Cleveland." And to carry out the logic of this scheme, the story of the Yale-Princeton game on the sport page might not be considered complete without an editorial announcement, "Remember that the author of this piece is a Harvard man."

Another piece of editorial judgment by the rapidly changing *Times* was puzzling to one of its long-standing admirers. John S. Sumner brought a complaint against the novel "A World I Never Made," by James T. Farrell. It so happens that the *Times,* for reasons best known to itself, refused advertisements of this book. Nevertheless, the case is the first important prosecution of a well-known author which has come into court in several years. I do not see how such a happening can be shoved out of the realm of news. And yet when the case came before Magistrate Curran the *Times* made no mention of the matter. To make it still more puzzling, it did report the second day of the trial at some length.

This particular veteran reader of a great newspaper is curious to know whether Mr. Sulzberger is going to continue to allow his opinions about literature to interfere with his opinions about news. I'm also wondering whether the *Times* feels that it will get complete impartiality in the reporting of labor news if it demands that the man assigned to the story must be himself a person on record as opposed to organization.

Speaking of news and fits, the *Herald Tribune* has been doing a little dervish whirling on its own account. It is indignant that the New York State Senate passed the child-labor amendment with celerity. The *Herald Tribune* holds that there should have been extended debate and public hearings. But after all, the question has been before the legislators for a long time, and any person capable of reading a daily paper must by this time have heard the arguments on all sides.

The *Herald Tribune* identifies itself as "one of the leaders in the long fight to end child labor." But it goes on to say, "A major constitutional change, the object of steadily increasing doubt over the long period during which it has been before the country, was jammed through a branch of the legislature in the largest state of the Union without any real consideration whatever." The *Herald Tribune* may have been a leader in the fight against child labor at one time, but it is certainly dropping out of contention at the moment. It ought to move over to give somebody a chance to come through on the rail.

HEYWOOD BROUN

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BOOKS *and the* ARTS

APPEALS FROM THE SUPREME COURT

BY MAX LERNER

WHETHER it is true or not, as Mr. Dooley suggested, that the Supreme Court follows the election returns, it is indubitably true that the publishing season follows the Supreme Court returns. Last year was an *annus mirabilis* in the court's history, with the court handing down a whole series of executioners' decisions any one of which might have served to make an ordinary year notable in judicial annals. The result has been an avalanche of books which question the court's whole function in a bristling manner. The appeals from the Supreme Court are now being fought out not in the law journals but in the public prints; they are being discussed not in academic lecture-rooms but in forums, trade-union groups, and legislative chambers, they are being taken finally not to a faculty of law professors but to the people themselves, with whom alone an effective appeal can lie.

The two books that have the best chance of popular success are Morris L. Ernst's recent study of the judicial power[1] and Drew Pearson and Robert S. Allen's book on the present personnel of the court.[2] There have been others during the past year that have had much merit in them—Secretary Wallace's "Whose Constitution?" (a plea for a flexible interpretation), Fred Rodell's "Fifty-five Men" (on the Founding Fathers, written with a fine simplicity), Irving Brant's "Storm over the Constitution" and Robert K. Carr's "The Supreme Court and Democracy" (in both books a new and vigorous Jeffersonianism, arguing that democracy today can be maintained only by the sort of federal action which the Supreme Court is blocking), and John M. Henry's "Nine Above the Law" (chaotic, but filled with good material on the court's usurpation of power). There are three characteristics that most of these books have in common. They are *radical,* not in conclusions but in method, in the sense that they go back to the roots of the Supreme Court's power over legislation. They are *popular,* tending to deal with erudite matters in the vernacular. Finally, they are *secular* rather than theological; they are relatively unimpressed by the supposed divinity of the judges or of the Foundling Fathers, and almost succeed in treating them like ordinary human beings, betraying—by a curious inversion—their still lingering sense of divinity by the very access of zeal with which they go about the debunking process.

What gives "The Ultimate Power" and "The Nine Old Men" their effectiveness is that they combine these traits of the radical, the popular, and the secular, and cement them with a quality of verve and daring which allows the authors to appeal to the intellect via the imagination. That is always a dangerous sort of route to the intellect, but no book that wants to reach hundreds of thousands of people and affect public policy can afford to travel any other way. Mr. Ernst does not pull his punches. "I think the time is ripe," he writes, "for the non-lawyers to reassert their earnest disrespect for what lawyers and judges have done to us all." And what his book seeks to do is to give the miner, the farmer, the automobile worker, the professional man and woman the material on which to base this "earnest disrespect." The thesis of the book is quite simple. The Constitution was a response to very specific economic and political conditions, and was fashioned thus by the very human Founding Fathers; the job was to set up a new nation in terms of the economics of 1787. In the struggles that ensued over consolidation of power the Supreme Court captured a veto power over legislation; but American society today has a new technological base, and the economics of 1937 are far different from the economics of 1787. Given the new economic conditions, the Supreme Court's veto makes any "pursuit of happiness" by the masses a grim mockery.

In developing this thesis Mr. Ernst has given us a mélange of history, economics, politics, law, and personal description. These are held together by the unflagging energy of a darting mind expressing itself in crisp, concrete, hard-hitting, although sometimes clumsy, prose. He uses a style admirably suited to its purpose—that of persuading the largest possible number of people to recapture the ultimate power and bring it back where it belongs—with the people. Throughout the book there runs the primary assumption that economic realities dictate political forms, and that where the latter fail to respond to the relentless onward march of economic change, an explosion may quite probably follow. Throughout the book there is thus a sort of continuous counterpoint between the economics and the conditions of life of the America of 1787 and the economics of today. Mr. Ernst has hit upon an interesting technical device for presenting this counterpoint—a sort of Dos Passos newsreel technique, flashing back and forth from one end of the time-span to the other, such as I have never seen applied outside the novel. On the whole Mr. Ernst has produced an exciting book, full of the stuff of narrative and likely to sway beliefs.

I approach the other book, "The Nine Old Men," by Pearson and Allen, with mingled feelings. The sort of thing that it seeks to do I find admirable—to make the nine abstractions on the court today human beings. For that reason, and because there is no other book that performs this task so well, I could wish that the book would achieve a circulation to make "Gone with the Wind"

[1] "The Ultimate Power." By Morris L. Ernst. Doubleday, Doran and Company. $3.

[2] "The Nine Old Men." By Drew Pearson and Robert S. Allen. Doubleday, Doran and Company. $2.50.

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pallid by comparison. I like also the courage and the brash vigor of the book. But there are two doubts that I have about it. I am not referring to its scholarship, which has been strongly attacked by Thomas Reed Powell in a recent number of the *Yale Law Journal*. I refer rather to its possible effect on opinion. It is a good maxim that if you strike at a king you must kill him. But you do not, on that account, have to kill his sisters and his cousins and his aunts. I do not think we should be spared any details about our justices, but I do not consider the fact that Justice Butler's brother had an illegitimate child or the fact that Justice Cardozo's father was convicted of corruption as really bearing on their exercise of the judicial power. Given the state of middle-class opinion about the court, any departure from the relevant may prove a boomerang for the very healthy debunking process that is going on now.

My second doubt refers to the danger of personalizing the judicial power. It may be a valid criticism of the Pearson-Allen book that one may easily emerge from it with the feeling that if we could get a majority of liberal judges, we could put up with the judicial veto. That I consider the major fallacy of liberals today with respect to the Supreme Court. It is a fallacy that vitiates President Roosevelt's recent proposal for changing the court—a proposal that falls in line with this book's linking of senility and toryism. We must remember that it is not individual justices we have to cope with but the institution of the judicial power. Our task is neither to fight the Nine Old Men nor to convert them, but to make it impossible for any Nine Old Men to wield the Ultimate Power.

BOOKS

The Hub of the Wheel

PRINCIPLES OF SHAKESPEARIAN PRODUCTION. By G. Wilson Knight. The Macmillan Company. $3.50.

SOONER or later a critic of Shakespeare becomes his producer too, if only in imagination. The direction of any talk about the plays is toward the stage, and the tendency of the best talk is to let them say here for themselves what cannot be said in the language of analysis. The critic does not stop analyzing Shakespeare at this point, of course; it is rather that he begins to do so now in earnest, testing his theory of any play with an actual or an imagined performance of it which relates its parts to one another in the interest of some single effect which is the expression of the theory, and which perhaps was Shakespeare's intention. We shall never know what Shakespeare's intention was in any case; but we have become increasingly aware that each of his plays has its remarkable and inexpressible unity—inexpressible, that is, save on an ideal stage; and what every serious critic wants to do is to construct this ideal stage.

Mr. Knight has taken then a very natural step from the position where he formerly discussed Shakespeare. The effort behind his five books, "Myth and Miracle," "The Wheel of Fire," "The Imperial Theme," "The Shakespearian Tempest," and "The Christian Renaissance," was to isolate and underline certain themes which he found predominant in the poetry of the plays, and furthermore to show how the plays were organized around these themes in terms of their imagery. He did perhaps all that a man can do—more than this, some say—to put Shakespeare into other words than his own. Mr. Knight's words were brilliant and vehement, and poured themselves out in a profusion which doubtless was excessive here or there. They had an important result, however. They restored the poetry of Shakespeare to our attention, and they reminded us that it exists in the plays as plays—things of vast dimension yet of the most delicate structure, and things which need to be seen as well as heard before they shall be fully understood. And now Mr. Knight becomes Shakespeare's producer; puts him not into words but into action, and thereby tests his criticism.

Like Mr. Granville-Barker, who both produces Shakespeare and writes "Prefaces" to further productions, Mr. Knight practices his art from time to time in veritable theaters. He has produced and played important parts in "Romeo and Juliet," "Hamlet," "Othello," "Henry VIII," and "King Lear." But this is not what convinces me that he understands Shakespeare as few men do today. The book in itself is convincing, and should be read by anyone who, desiring to produce Shakespeare, desires also to put as much as possible of him into our minds. Mr. Knight may not know how to put all of him there; but that at any rate is his passionate desire, and I have no doubt of the wisdom behind the desire, or of the genius at criticism which sees in the plays so many things that the average current production misses. Shakespeare can seldom have been shown so little to his advantage as he is being shown at present, when the poetry of a given play is likely to appear not so much as something central to its life as something famous and archaic which we must accept along with the melodrama. Mr. Knight does not think of "Hamlet," for instance, as a story told in metrical dialogue. He thinks of it as a poem which has both spatial and temporal dimensions; as a thing that lives in its wholeness and must be seen and heard in its wholeness.

The director of a modern play knows something like this as a matter of course, and acts upon it; for it is a commonplace of his trade that he must first of all understand what he is doing. But a play of Shakespeare's, partly because it is old, requires a special effort at understanding, and it would appear that the requirement is not often met. "To apply intelligence to the whole art-form," says Mr. Knight, "is not the same as abstracting from it those elements only that seem intelligible." The ideal producer of Shakespeare would be himself a poet of some sort, and therefore sensitive to the peculiar quality of each tragedy or comedy, so that "the whole play should often seem implicit in the particular moment." But he would have had to possess the whole play in his imagination before this could happen; and how to possess it is what interests Mr. Knight.

> Many of our difficulties [he says] are illuminated by our recognizing that the germ of composition is an intuitive perception of stillness of some sort, an idea or quality. Such an intuition will condition creation. It will not necessarily come before the work is started, but we must suppose there to be always a moment of conception during the early stages of composition, when the essential nature of the work to be is first properly apparent. This then becomes the nucleus, preliminary drafts or ideas—if any—are recolored to tone with it, action and imagery clothe it, grow from it, cluster around it. . . .

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> So we will assume a single central, though dynamic, stillness at the back of the process. . . . At the center of creation and understanding alike remains a stillness, the hub of the wheel.

A producer of Shakespeare who cannot comprehend the foregoing ought to go out of business. It is really simple, and it describes what he does with any modern play. He should do as much with Shakespeare. If he thinks he cannot, then he has no use for the rest of Mr. Knight's book, which very specifically deals with lighting, scenery, diction, and gestures, and describes his own productions in detail. It is always excellent criticism—the sixth volume, as it now appears, in Mr. Knight's eloquent series.

MARK VAN DOREN

Newman's Wagner: Volume II

THE LIFE OF RICHARD WAGNER. Volume II: *1848-1860.* By Ernest Newman. Alfred A. Knopf. $5.

WITH the appearance of a second instalment of his monumental study of Wagner, it becomes clear that Mr. Newman is producing what will, for at least this generation, constitute the standard work on the subject. Working through vast thickets of unresolved and frequently controversial details, he has again refined and welded his material into a simple, compelling narrative, admirable alike for the extensive knowledge, acute judgment, and brilliant exposition that went into its making.

Here, in more than six hundred pages, is a survey, both judicial and interpretative, of twelve years, from the epoch of revolution (1848-9) through the "Tristan" period, the chief portion of which Mr. Newman justly regards as constituting the great formative period in Wagner's life both as man and as artist. One hundred pages are devoted solely to incidents anticipating and including the Dresden rising, and their effect is to refute the old view which sought to minimize Wagner's connection with the practical business of revolution. Clearly detailed are his motives for joining the democratic movement, the evidence of his having been animated by revolutionary principles of "the more crudely realistic kind," the proof of his increasing absorption in social problems as he came more closely into association with Röckel, Bakunin, and others who were shortly to lead the rising of May, 1849. Typical are the excerpts cited from Wagner's article glorifying Revolution—"a paean to the red goddess in her most incarnadine aspects"—written while he was still court Kapellmeister. From recently published and exhaustive German studies based on official material, Mr. Newman summarizes adequately, for the first time in English, Wagner's share in the revolt and the legal case against him. The conclusion is that "his association with the whole affair was anything but that of a curious spectator, or, as Glasenapp would have us believe, of a mere artist compulsorily interested in political events only because they touched by accident upon the outer edge of his artistic dreams."

But it is in his discussion of the years of exile following the flight from Dresden that Wagner's present biographer achieves his most telling strokes. The affair with Jessie Laussot—a major crisis in Wagner's domestic life—is not simply an "erotic desire for a new woman to replace the old, but also a revolt of everything that was best in him against domestic conditions that had reached the point where either he must break free of them or come to shipwreck as an artist." Later, when Wagner's association with Mathilde Wesendonck arouses bitter opposition from his wife, we are told that

SEX TECHNIQUE in MARRIAGE

By ISABEL EMSLIE HUTTON, M.B., Ch.B., M.D.
Physician to the British Hospital for Functional Mental and Nervous Diseases, London
Foreword by IRA S. WILE, M.D.
Former Commissioner of Education, N. Y. C.

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"Minna's one-track mind took no account of the psychological complexities of more highly organized beings than herself: the situation, as she saw it, was simply the old one of one woman against another, and of an honest woman, with all legalities and moralities on her side, against a designing siren." But concerning the true relationship between Mathilde and Richard, Mr. Newman doubts "that she was ever one of the really seminal forces of his life, and that, in particular, she 'inspired' him with 'Tristan.' "

In similar fashion Mr. Newman scrutinizes a whole gallery of figures and episodes belonging to these years. But perhaps the general reader will be most enlightened by those passages in which Mr. Newman looks anew at Wagner's art—analyzing the genesis of the material of the "Ring" dramas, the successive recastings of this vast material during the course of many years, and the psychological changes—in line with the conversion of Wagner's social optimism into resignation—which the great work underwent between first conception and final form.

Lastly, this volume is as important to the cultural historian as to the student of musical biography. For the recital of Wagner's life and works does not stand alone, but is integrated with, and interpreted against, a parallel account of the history, the physiology, and the psychology of swiftly moving forces which were contributing to a major change in European musical life. ELBERT LENROW

"All Quiet" in the Far East

TSUSHIMA. By A. Novikoff-Priboy. Translated by Eden and Cedar Paul. Alfred A. Knopf. $3.50.

FOUGHT a generation ago, the Russo-Japanese War marked the crumbling of one empire and the iron baptism of another. Here, written by a Russian sailor who participated in it, is the story of its final episode, the Battle of Tsushima. One of the greatest naval engagements in history, it lasted five and a half hours, killed 5,000 men, and sent the greater part of the Russian fleet to the bottom of the sea. Among the survivors was Novikoff-Priboy, who spent the next eight months in a Japanese prison camp gathering from his fellow-survivors all they could tell him of their experiences aboard the different ships that made up the fleet. These, together with his own memories, he has woven into a log of the Second Pacific Squadron from the time it left Kronstadt to the time, after sailing halfway around the world, it met the victory of the grave in Tsushima Straits.

The result is a book which, both as new historical material and as a human document of men under the pressure of great events, belongs in the most exclusive category of history—that of primary sources. We can be especially thankful for its publication, for the manuscript has had as embattled a life as the author. Burned to the last word during a riot in the prison camp, entirely rewritten from memory, it was later secreted in Russia from the Czar's police by the author's brother, who died without revealing its hiding-place. It was not until 1928 that Novikoff found a bundle of old papers in a beehive, untied the string with trembling fingers, and discovered the Tsushima memoirs, lost for twenty-two years.

Hindsight has told historians that bungling generals, incompetent admirals, and a rotting government lost the war for Russia before a shot was fired. From "Tsushima" we learn that officers and men of the Second Pacific Squadron knew this even as they set sail from Kronstadt. Convinced that they were being sent to the same fate as the First Squadron annihilated at Port Arthur six months before, mistrusting their variegated fleet, their rusty guns and rustier marksmanship, led by a coarse-mouthed admiral who commanded fear but not respect, untrained and miserably uneasy, a more demoralized group of men never set out to meet the enemy.

Month after month for more than half a year they sailed on under a blazing sun, crowded in close quarters—there were 900 aboard Novikoff's ship, the Oryol—nerves fraying, mutiny grumbling beneath the surface, drawing ever nearer to a war they hated and an enemy they feared. At the end, instead of making for Vladivostock by sailing around the eastern coast of Japan, the admiral, head down and eyes screwed shut, steered for Tsushima Straits, deliberately running head on into the Japanese fleet.

Moments later they were in the thick of chaos. The booming of cannon, the roar of water through a gash in the ship's side, the crackle of fire on the fo'c'sle, the crash of shells splintering the iron decks, the agonized shrieks of the wounded, the smell of blood; Novikoff looked down at his hands and saw they were holding a boot from which protruded the mangled remnants of a leg. He looked up and met the eyes of a man whose blood was pouring from a ragged stump.

The story of that battle as Novikoff saw it and as he transcribed it from the words of other survivors takes 250 pages to tell. The telling is dispassionate, yet every page of it squirms with agony, bewilderment, valor, cowardice, and death, with happenings so fantastic that they seem incredible in a world of human beings. There is the flagship, the Suvoroff, its turrets battered away, its decks afire, no one in command and no one at the helm, going crazily round and round like a decapitated chicken. There is the moment on the Oryol when the men peering over the side see the gleaming arrow of a torpedo coming directly for them, feel the actual knowledge of death, and then see the torpedo miss the prow by inches. There is the gunner Sedoff who clung to a stick in the water for eleven hours watching his companions drown one by one till he was left alone with a seagull which perched on the knee of a floating corpse and gazed at him out of red-rimmed eyes.

Who is Novikoff-Priboy and what did he think of the battle when it was all over? To begin with, he was a revolutionary before he ever stepped on the Oryol and therefore one of those who believed that the sooner a defeat by Japan, the sooner a revolution in Russia. Yet Novikoff's low opinion of the ability of his commanding officers was not the outcome of political bias but the thinking man's contempt for military pigheadedness, for blind obedience to orders in defiance of common sense. "Theirs not to reason why, theirs but to do and die," makes no sense to Novikoff any more than it did to Lloyd George, whose impatience with the whole pack of generals sputters from the pages of his war memoirs. Novikoff saw one war from below; Lloyd George saw another from on top. It appears that the military mind looks the same from all angles.

In the straightforward narrative, in the vivid, detailed pattern of life aboard the men-of-war, in the magnificent fugue that is the account of the battle, with the stories of the different ships in the fleet carried on simultaneously, "Tsushima" is a modern epic. Because the war contained the germ of revolution perhaps it may be said to have served a useful purpose in spite of its horrors. But the survivors, on their way home from Japan, sailed back through the Tsushima Straits, where the bones of five thousand men lay rotting at the bottom of the sea. BARBARA WERTHEIM

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A Disgraced Name

SHINING SCABBARD. By R. C. Hutchinson. Farrar and Rinehart. $2.75.

MR. HUTCHINSON'S novel is a comment on the manners and morality of the era in France that ended, as "Shining Scabbard" ends, with the World War. The decaying aspects of that era, with its overemphasized family traditions and its overvalued escutcheons, are synthesized in Colonel Séverin's obsession with dishonor. The Séverins' dilemma, for it cannot be called a tragedy, is the anachronistic one of a disgraced name.

Colonel Séverin is a Balzacian tyrant of the bedchamber, a hypochondriac obsessed with proving his innocence in a long-forgotten scandal of the Franco-Prussian War. That obsession is the skeleton in the Colonel's closet and the master of his house. It rules and runs the Séverins. Madame Séverin ministers to it as she ministers to the Colonel's imaginary ill health. Her purpose in life is the proof of her husband's innocence. To this strange family Captain Pierre Séverin, a son posted somewhere in the African desert, has sent his wife, Renée, and their two children. Renée's love and concern are for her husband and children. She remains aloof in the Séverin midst, but her extraneity to the obsession of the household creates an atmosphere of resentment that isolates her in her room, where she morbidly guards herself against the hostility of the Séverins, just as she must guard her son against the Colonel's sadistic interest in the boy's possibilities as a soldier. Eventually Pierre responds to Renée's letters by deserting his post to join her. He reaches the family home in Baulon at the outbreak of the Great War, which is to resolve the Séverins in its havoc. Renée and her son are killed by shrapnel, Pierre is left raving at the scene of their death, and the Colonel, finally revealing the origin of his paranoia, flees from the invaded town, abandoning his women to the hazards of bombardment just as in that other war so memorable to the Séverins he must have abandoned his soldiers to the Prussians.

"Shining Scabbard" is dextrous social comment, but in its other aspect, as the study of an obsession of tragic consequences, it lacks meaning and coherence. The fault is one of over-facility. Mr. Hutchinson has glibly substituted the mechanical movement of his plot for the growth and psychological culmination of his characters. The result is a kind of literary prestidigitation in which the author's hand is, unfortunately, often no quicker than the reader's eye.

CHRISTOPHER LAZARE

Shorter Notices

SHINE, PERISHING REPUBLIC. By Rudolph Gilbert. Bruce Humphries. $2.50.

This book about Robinson Jeffers presents no clear explanation of Jeffers's poems, but is rather a special plea for Jeffers the mystic. "Let us complete a picture of Jeffers by likening him to one gifted like Apollo with that freedom from the wilder emotions, that philosophical calmness of the sculptor-god. His eye must be sun-like according to its origin, even when it is angry and looks displeased." Such is this critic's summation of Jeffers's greatness. Mr. Gilbert unfortunately is given to superlatives. He compares Jeffers with the great Greek dramatists and finds no one in this country who has Jeffers's power. E. Merril Root is mentioned as next in intensity of poetic vision, on a smaller scale, and then,

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ANNOUNCES FOR EARLY PUBLICATION . . .

Two Articles on Affairs in Washington

The House Committee on Military Affairs is holding hearings on a new war-profits tax bill which pretends to place capital and drafted men on an equal footing. After violent debate the bill is expected to pass the House. In an article to appear soon Stephen Raushenbush, who directed the Munitions Investigations for Senator Nye, presents the features of the new bill and tags its many dangerous provisions.

"Chowderhead" Cohen heads the list of sensational characters exposed by the La Follette committee investigating civil liberties and interference with the right of labor to organize. Less publicized, but equally pernicious, are dozens of other expert spies and strike-breakers discovered by the indefatigable investigators. How does the committee obtain its facts, build up its case, and present it to the public? These questions are frequently asked by our readers, and they are now answered in a factual article by Dwight MacDonald.

Winter Books

In the leading book article in next week's Winter Book Number, M. E. Ravage discusses André Gide's "Retour de l'U. R. S. S.," the account of a journey to Soviet Russia which "stirred up a tempest of debate" and sold over a hundred thousand copies. In the same issue S. K. Ratcliffe reviews the two final volumes of Lloyd George's Memoirs, and John Gunther reviews Walter Millis's "Viewed Without Alarm"; other reviewers include Alice Beal Parsons, Eda Lou Walton, Mark Van Doren, and Meyer Schapiro.

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curiously enough, Stephen Spender. Mr. Gilbert, in other words, looks for greatness in poetry only to the mystic; Blake comes in for much misinterpretation as the ancestor of Jeffers. Mr. Gilbert finds in Jeffers's poetry a prophetic vision of a dying world, an indication of how the truly great individual may be perpetuated through an escape from humanity. He traces the analogies in Buddhist, Greek, and Christian thought with Jeffers's philosophical symbolism, and notes no confusion—though there is confusion—in Jeffers's use of symbols. The book is, moreover, rather badly written—vague, pieced together, and repetitious—and contains any number of (in my judgment) incorrect comments on other modern poets. It will please uncritical admirers of Jeffers and annoy many students of poetry who have noted his limitations. The Jeffers bibliography included is fairly complete.

EDA LOU WALTON

THE AESTHETIC THEORIES OF KANT, HEGEL AND SCHOPENHAUER. By Isreal Knox. Columbia University Press. $2.50.

The effort to transcribe succinctly and lucidly the meaning of thinkers who, like Kant and Hegel, are not always easy to follow, deserves praise and would deserve still more were there not many competent commentaries already available. The effort to extract from philosophies of art deeply rooted in general philosophic systems whatever is still valid and valuable is equally praiseworthy, even if sometimes one doubts that the original text contains what the author finds in it. And Mr. Knox's guiding faith in the intimate nexus between art and life, although not his discovery, gives his study a contemporaneity seldom found in academic dissertations. What is not praiseworthy is Mr. Knox's assumption that his own opinion of what constitutes the aesthetic experience is more objectively valid than the obviously subjective opinions of the thinkers about whom he writes. The difficulty lies in Mr. Knox's neglect of experimental data. But this neglect is so widely current among aestheticians whose training is philosophic that the reviewer has perhaps no right to castigate the author for a fault committed and seemingly condoned by a whole brotherhood.

ELISEO VIVAS

DARKLING PLAIN. By Sara Bard Field. Random House. $2.

An image here and there in these lyrics has the ring of direct observation. A line now and then is a limpid statement of genuine feeling. Miss Field can develop a verse form, and her poetry has a delicate music. Yet the general effect of the volume, the author's sixth, is one of redundancy and artifice. It is overburdened with tritely precious words like "argosy," "alabaster," "iridescent," "egrets," "bergamot," "attared," "basaltic." It is full of historical and mythological allusions that do not illuminate. It is poetry of fancy rather than of imagination, and fancy must be barbed. At its best Miss Field's fancy yields pleasant similes, as when she describes a vineyard as "a lately littered tigress stretched to sun"; at its worst, confused and disproportioned figures like

> Then every other vintage memory
> Was wiped as by a cyclone from the breast

In the shorter and sparer poems, such as Preparation and Wings, there is sufficient evidence of integrity to inspire the hope that Miss Field may yet learn to use the pruning hook. What she has given us here is not a darkling plain but a gloomy thicket.

PHILIP BLAIR RICE

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THE LETTERS OF MRS. HENRY ADAMS, 1865-1883. Edited by Ward Thoron. Little, Brown. $5.

It took Marian ("Clover") Hooper nine months of the very closest of intimacies to succumb to the Henry Adams influence. Though she was on her honeymoon and though she was passing thirty, the weekly letters she wrote to her father in Boston during this time seem by a homesick little girl of half her age. Presently the letters pick up in spirits, and by the time she has passed her second winter in Washington they show all the wisdom, wit, and air of Adams himself. Marian assumed a role, and very successfully, for it is only occasionally in little asides about illness and death and ignorance that her make-up seems askew. Her husband was not an easy man to minister to; upon her fell all the details of a "choosy" social life in the capital and the chief burden of its "over-excitement" (a term used by Adams in one of his own letters of the period). Despite the galaxies of big names, the letters are entertaining, and the political comment, mostly a reflection of Henry's mind, is considerable. Thoron has set down his notes in great fulness, omitting nothing of consequence except the principal fact concerning Mrs. Adams's death.

PAUL BIXLER

DRAMA

If You Have Tears

JAMES HILTON'S popular novel "And Now Good-Bye" has been made into a play and presented at the John Golden Theater with Philip Merivale in the role of a very "cute" clergyman who loves and loses. Stories of this particular soft and decorously tearful sort are often extraordinarily popular with the largest novel-reading public, but they have also the power of exasperating persons of robuster taste to a degree which may seem unreasonable, and the present piece is no exception to the general rule. Those temperamentally incapable of enjoying a good cry are likely to come away in a state of irritation more or less acute.

The clergyman in question is a frustrated music lover who has somehow or other got himself mired in the trivial activities of a peculiarly repulsive middle-class parish in England. During a visit to London he meets a run-away girl on her way to study in Vienna, discovers in her the understanding all the rest of the world has denied him, and is eloping with her when a railroad accident kills the girl almost before his eyes. Numb with shock, he returns to his parish to find that he is a hero who has performed prodigies of valor while searching the wreckage for his beloved, and settles down to get what satisfaction he can out of the discovery that his parishioners "need him."

Obviously this somewhat labored bit of pathos is harmless enough as such things go, but it is also a perfect example of that sentimental tragedy which is, at best, only a very sickly counterpart of tragedy itself. It is sad and sweet and touching. It spreads a veritable feast of pathos and tenderness without at any moment challenging the spectator to feel very deeply or to rise to any robust emotion. And it can do all these things for the very reason that it removes from tragedy all its tonic elements and substitutes in their place something soothing and bland. The hero is not a great man but a good one. We are

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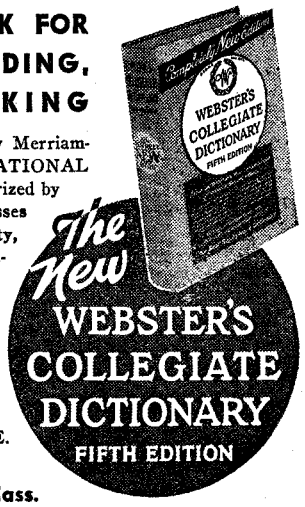

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drawn to him not because he is strong but because he is weak. He ends not in rebellion but in acquiescence, and his defeat brings not exultation but tears. Even the issue is not clearly drawn but dodged, not too artfully, by the device of the convenient train wreck. Almost any other possible ending would have forced the audience and the author to face some alternative, to reach some emotional conclusion. Our hero might have himself chosen the way of renunciation or actually faced the realities of his choice. But either painful alternative is spared the audience, which now needs only to feel vaguely sorry. It has, if I may put the thing this way, the privilege of eating its cake and of having it too—of gratifying its momentary desire to see the clergyman rebel without being compelled to face the full meaning of its choice, because the girl was—happily for it—removed in time. And that, I think, is the most important of the reasons why sentimental tragedy is the most popular of all the forms of nursemaid fiction. It is something not to be called upon—as in genuine tragedy we are—to confront ourselves with men greater than ourselves and passions stronger than ours. But that is only a negative advantage. The genuine essence of sentiment is emotion without the responsibility of choice, the privilege of feeling uncritically, of enjoying tears which really cost us nothing.

Mr. Merivale plays his role with restraint. So does the very attractive Margaret Churchill as the run-away. For that matter the play itself, though a bit slow in movement, is written with more taste than is usually exhibited in compositions of this kind. But no restraint in playing and no taste in writing can save "And Now Good-Bye" from the fundamental sentimentality of the whole conception.

JOSEPH WOOD KRUTCH

FILMS

Considering the Source

ALMOST invariably a film made from a novel or a play is inferior to its source, and this is never more noticeable than when the source was excellent in its own terms. It is difficult enough to produce a good film starting from scratch; but it seems impossible to start with something that has spoken clearly and powerfully in another language and then to find a new language for it which will induce us to forget the old ringing in our ears—or, if we happen to be ignorant of the original, to give us the illusion that this form was dictated by this matter. Usually there is self-consciousness in the direction, stiffness in the acting, and an absence of natural pace in the order of events. And when these faults are avoided there is likely to be a misuse or an overuse of irrelevant movie techniques—techniques which have their place but which are irrelevant here. There is no better way of understanding what a film ought to be than to watch one trying not to be a novel or a play and failing. A photograph of a play is not a film, yet it may be more satisfactory than some expensive mixture of the genres; and the more pains a producer takes to photograph either the physical or the mental background of a novel the more dismal his result will probably be. The audience pretends to be impressed, and may even believe that it is; but it does not lose itself in what it sees as it does at a "regular" movie—one, perhaps, that was suggested by a fifth-rate magazine story or that merely came out of an obscure Hollywood head.

"The Good Earth" (Metro-Goldwyn-Mayer) fails in almost every conceivable way to be either as interesting as Mrs. Buck's novel or completely interesting in itself. There are several "good things" in it—the plague of locusts, the mob scene, and the acting of Luise Rainer as O-lan—without the whole thing being good; and that is what any work of art is expected to be. "The Good Earth" is two hours and a half long and seems longer; Paul Muni as Wang Lung never for a split second looks or sounds Chinese (even the Chinese actors do not seem at home); the action comes to a dead stop a dozen times; and the vast efforts to build China before our eyes gives us nothing corresponding to what Mrs. Buck's simple sentences, flowing like an endless river, left in our mind. I had the uncomfortable feeling throughout that I was present at a classic, and no performance in a theater, least of all in a movie theater, ought to permit such feelings. I mean, of course, a classic that someone has not understood how to translate. Nor do I wish to found my whole case against "The Good Earth" upon its failure to be an equivalent of Mrs. Buck's book. But a certain illusion created by the book, namely, that a great deal of time is passing and yet that the telling takes no time, is an illusion which any good film achieves by its own devices; and the devices seem not to have been discovered in the present case.

"The Plough and the Stars" (RKO-Radio) is another failure at translation, for another reason. In O'Casey's play the Irish uprising of 1916 happens offstage, partly because O'Casey could not put it on the stage and partly because he was more interested in doing something else—reflecting it in the domestic tensions set up among a few persons created for the purpose. Through Jack and Nora, not to mention Mrs. Gogan and Bessie Burgess, he made us believe that an intolerable war was going on downstairs and around the corner. The film, it scarcely needs be said, takes us to the war—to the besieged Post Office and the street in front of it, and later on to a hospital yard where the Irish leader is being executed in his wheel chair. These scenes are exciting in themselves. But they destroy the play because they destroy its tensions. Jack and Nora (Preston Foster and Barbara Stanwyck) become relatively minor, and even the five imported Abbey players, including Barry Fitzgerald as Fluther, are rather lost among the machine-guns. The best moments are those in which Fluther is photographed doing exactly what he did on the stage; which prompts the question whether it might have not been better after all to set the camera down before the play and keep it winding for two hours. It would have been still better to produce a veritable film which somehow was equivalent to the play; that, however, as I have been saying, seems to be discouragingly difficult.

Or take "Camille" (Metro-Goldwyn-Mayer), even with Greta Garbo in the title role and with the most accomplished direction (by George Cukor) always being flourished for us to admire. Now there is a flimsy play. But I shall remember the whole of it which I saw with Eva LeGallienne as Camille more agreeably than I shall remember these fragments of it in which the moving camera is so busy taking close-ups of Greta Garbo. Her acting is superb, particularly when she dies, but that is not the point. The point is that the techniques of the film are irrelevant to its total effect; and that a fine array of talent has been squandered on something which is actually less absorbing than any one of ten "regular" movies I could name.

MARK VAN DOREN

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Letters to the Editors

The Franks in Madison

Dear Sirs: The charge that Philip La Follette was motivated in whatever part he may have played in the ouster of Glenn Frank from the presidency of the University of Wisconsin by personal dislike and jealousy of the man has been so widespread over the country that it should have an answer. I should like to present a truer picture.

Mrs. La Follette's mother, Mrs. George Bacon, was the wife of a mining engineer in Salt Lake City. With five daughters and a small income, she was still able to give such direction and meaning to the social consciousness of that city that after her death the new Welfare Center established there was very fittingly named for her. Mrs. La Follette thus came naturally by a sense of social values which matched her husband's heritage. Through the early years of her marriage she did her own housework, took care of her baby herself, and still kept up with the affairs of the world about her, developed an understanding and appreciation of painting and music through disciplined study, and indulged her natural taste for literature. When she came to the governor's house she brought with her a gracious blending of simplicity and dignity which has made her home a focus for the intellectual and artistic life of the community. The Governor's salary is not large, $7,500 a year. During the depression he and his wife voluntarily gave back $1,250 a year to the state and yet kept up the social responsibilities of their position with no complaint of inadequate finances.

The city of Madison has among its citizens plenty of people of wealth, culture, and experience in the sophisticated conventions of city life, but they have never tried to graft the artificial social standards of New York's smart set on the life of their own city. They have quite consciously rejected such standards. Into this community the Franks deliberately and self-consciously introduced an entirely different scale of living—the first butler in the city, always seeming a bit embarrassed in his livery, an ostentation approaching vulgarity in the lavish formality of their dinner parties, an insistence that their son, a normal and likable youth, should be driven back and forth to his school a half-mile away by a chauffeur, when all the other fellows in the neighborhood walked, a watchman to guard them at night, a use of the craftsmen of the University Service Department as personal servants in a manner in which too often *noblesse* did not *oblige,* and so forth.

Such goings-on in Madison could be interpreted in only one of two ways—either the Franks were completely insensitive to the atmosphere in which they were living, implying in itself a tragic defect, or they were seeking by mere display to impress their fellow-citizens, an interpretation even more shocking in its implications. But the level-headed citizens of Madison were not only not impressed by all this; they were alternately convulsed and disgusted. Now all this may sound trivial, but it cannot be so easily discounted when one realizes that with it went only the most superficial attempt to understand the basic problems of American life, which were so accentuated by the hardships of the depression. Inevitably the Franks created a feeling throughout the state that as long as they were "sitting pretty," the rest of the world could go to. Needless to say, they were unable to make of their home anything even remotely resembling a center for the cultural enrichment of the community. The feeling of most of their fellow faculty members rapidly progressed from amazement through mere dislike to contempt.

So you have a picture of a community in which the La Follettes stood for one mode of life, the Franks for another—two modes of life eternally irreconcilable and epitomizing the two warring social philosophies of shared opportunity versus special privilege which are tearing the world to pieces. The newspapers have dared to say that Governor La Follette was jealous of Glenn Frank. That is, of course, a rank absurdity. But if the term dislike can be stretched to cover a thoroughly justified disapproval of the Franks' mode of life, I suppose one might say that the La Follettes did dislike them as did the great majority of the university faculty and the citizens of Madison and the state of Wisconsin. However, there is nothing petty in the term used in this sense nor does it require apology, for it developed inevitably from a righteous indignation that the Franks, as heads of a great educational institution that was trying to fire Wisconsin youth with a vision of what life might be at its best, should themselves appear to have only the most superficial social and intellectual standards.

Of course, the personal attitudes of the La Follettes and of the university faculty enter the picture only as a vivid background against which is projected Glenn Frank's indecision and evasion in handling the administrative problems of the university.

A FACULTY WIFE

Madison, Wis., January 26

Where Do Absentee Owners Stand?

Dear Sirs: Mr. Lovett's article in *The Nation* of January 30 must strike home to many readers who, as owners of a few shares of General Motors stock, wonder about their position as absentee owners. The public opinion of the community involved is always a factor in any struggle between capital and labor. But stockholders, scattered throughout the country, do not have even the minor influence of storekeepers and housewives in the immediate community. Should there not be some means by which these absentee owners could express their opinion of Mr. Sloan's refusal to accept the invitation of the Secretary of Labor to sit in on a conference?

Berle and Means have shown how the gulf between ownership and management gives a handful of men complete power over a structure which they do not own. In the great struggle which impends, as the C. I. O. continues its efforts to organize the unorganized workers, where will the absentee owners stand?

This question will doubtless be repeated for other companies than General Motors, other industries than the automobile. Many of the stockholders are workers. Doubtless a considerable number would approve the Lewis position rather than the Sloan one. It is their property and their profits that are involved, their employees who are being shot at. If a vote of the workers is suggested, why not a vote of the stockholders? Their vote at least could be private and free of intimidation.

LORINE PRUETTE

New York, February 4

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The Secretary of War grabs the phone and says . . .

THE SECRETARY OF WAR grabs the phone and says . . . let 'er go! Pouf! Our American liberties go up in smoke. Mauritz Hallgren . . . former associate editor of The Nation reveals the serious implications of the Industrial Mobilization Bill up before Congress in this session—a bill that will undoubtedly become the law of the land, UNLESS we, the American people. . . .

Whither the Supreme Court?

WHAT is behind the newspaper headlines proclaiming that President Roosevelt wishes to enlarge the Supreme Court? Is the president really trying to make the court responsible to the people? If so, is this an effective way of doing it? Let Osmond K. Fraenkel, nationally known authority on constitutional law, an attorney for the Scottsboro boys, answer these and many other far reaching questions about the highest court in the land. A brilliant and thought provoking article.

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Blue Ribbon

Dear Sirs: Whichever one of you wrote that editorial on the Soviet trials deserves a blue ribbon for the fairest analysis of a complicated controversy I've seen in years. ROGER BALDWIN

New York, February 5

October Is Safe

Dear Sirs: Your editorial on the latest Moscow trial strikes me as an interesting study in the hypnotic effect of revolution on decent people. If the trial had taken place in Germany, *The Nation* would surely have repudiated it at once, without indulging in any rationalization about the difference between Nazi and Anglo-Saxon concepts of justice. But because this thing happened in the Soviet Union, *The Nation* adopts an attitude of Olympian impartiality, and proceeds by implication to indorse or at least condone the whole questionable procedure. Why? I assume because it is afraid that any genuine criticism of the Stalinist regime may be construed as an attack upon the Soviet Union and the October Revolution—as if a *Nation* editorial could hurt Niagara Falls!

I shall not be surprised if within ten years *The Nation's* left-handed indorsement of Stalin's liquidation of the October Revolution is something that its editors would prefer to forget. For it may just possibly be that the true friends of the Soviet Union are the people who either repudiate these recurrent "blood-purges" or at least really "suspend judgment," and not those who accept the Stalinist justification with or without a protective show of pseudo-liberal hocus-pocus. If liberal journalism has any function at present it is that of clear analysis and fair judgment. Your editorial never once strikes below the surface of the political situation of which the trials are symptomatic, and in dealing with the surface it is either naive or disingenuous.

SUZANNE LA FOLLETTE

New York, February 5

For Jewish-Arab Amity

Dear Sirs: The six terrible months from which Palestine has just emerged have left hundreds of dead and thousands of wounded. Economic losses mount into the tens of millions. The country has been torn into two warring camps.

"Antifa," the only international organization in Palestine, has unfurled the banner of the solidarity of the Jewish and Arab toiling masses and proclaims to the whole world: There is room in Palestine for both peoples, and there is a basis for their cooperation.

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Send your contributions to P. L. Goldman, Treasurer, 305 Broadway, New York. CHARLES B. SHERMAN, Secretary

New York, February 5

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CHARLES R. WALKER, a journalist and editor, is the author of "Steel, the Diary of a Furnace Worker." He will bring out in March a new book, "American City," a study of class conflict in Minneapolis.

MILTON S. MAYER was a reporter on the Chicago *American* until lately, when he resigned to become a free-lance journalist. He recently contributed to *The Nation* an account of the Newspaper Guild in Chicago.

AGNES SMEDLEY has been active in the radical movement in China for ten years, has served as secretary to Mme. Sun Yat-sen and with her founded the Chinese League for Civil Rights, and is the author of "China's Red Army Marches" and other books on China.

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